The City Council of the City of Raleigh met in regular session on Tuesday, August 16, 1983, at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by the Reverend Wilson Gunn of the North Raleigh Presbyterian Church after which the following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PERSONNEL - ROBERT THOMAS INTRODUCED

City Manager Zachary introduced Robert Thomas, the new Cable Administrator for the City of Raleigh. In introducing Mr. Thomas, City Manager Zachary gave a brief description of his extensive background in the communications field. He welcomed Mr. Thomas to the City Staff. Mayor York welcomed Mr. Thomas indicating the Cable Administrator would be responsible for assuring that the provisions of the cable franchise recently adopted by the City Council are carried out.

NEWS MEDIA - DOUGLASS DAVIDOFF RECOGNIZED

Mayor York indicated as City government moves along, we have members of the press that sort of become a part of the group. He indicated many times the Council doesn't agree with what the press says, the press is appreciated by the Council. Mayor York explained that today Douglass Davidoff, reporter with The Raleigh Times, is covering his last meeting in City Hall. He indicated Mr. Davidoff is moving to Indianapolis and will be covering the City Council there. Mayor York stated he would wish Mr. Davidoff well in his new job. The Council joined the Mayor in applause of appreciation. Mayor York introduced Bill Bystrinski who will be replacing Mr. Davidoff covering City Hall.

ENCROACHMENT - CORNER OF SOUTH DAWSON AND WEST MARTIN STREETS - AUTHORIZED

City Attorney McCormick indicated a group of local attorneys has purchased the building located at the southeast corner of South Dawson Street and West Martin Street and plan to renovate that building. He stated this is the former location of the Western Meat Market. He indicated sometime back the City of Raleigh executed an encroachment agreement in the name of the partnership who was purchasing the building to allow the encroachment on the right-of-way of South Dawson Street to allow the existing building to remain. He indicated the new owners would like for the encroachment agreement to be executed in their name pointing out they hope to close on the building later today and would begin renovation immediately. Mr. Upchurch moved that the encroachment relating to the southeast corner of South Dawson Street and West Martin Street be authorized as outlined by the City Attorney. His motion was seconded by Mr. Calloway and passed unanimously. The Mayor ruled the motion adopted.

CERTIFICATES OF APPOINTMENTS - PRESENTED

Mayor York explained the presentation of Certificates of Appointment and presented the following certificates: Downtown Housing Improvement Corporation - Sonnya Quinn; Historic Districts Commission - William H. Bingham, Jr., and John Castleberry; Historic Properties Commission - Charlotte V. Brown, Ruth Little, and Fred Whitney and Barbara Wishy; Transit Authority - Thomas Hilliard, III.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Walters requested that the traffic item relating to school signal and speed zone removal - Mary Phillips School be withdrawn. Without objection this item was withdrawn from the Consent Agenda. Mr. Upchurch moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - FAYE'S TAVERN - APPROVED

This is a privilege license application for Faye's Tavern located at 406 East Davie Street. The owner, Shirley Faye Wilson, is the individual making application. City

Code Section 2-2032 (2) requires City Council approval before a license may be issued for a dance hall. Police and Zoning reports indicate approval. A sundries tax and a temporary on-premises beer license have been issued. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

CETA - OJT CONTRACT DEOBLIGATION - APPROVED

This is a request to deobligate funds, which were contracted under an OJT contract with Superior Security Company. The employer was unable to fill the OJT slots. The amount of this contract to be deobligated is $1,218 for three (3) security guard trainees. Recommendation: Administration recommends that City Council approve this deobligation. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 324 TF 6

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer of funds is hereby authorized to deobligate CETA sub-contract due to contractor being unable to fill OJT positions (3):

From:	03-2-5462-0100	Superior Security Co.	$1,218.00
To:	03-2-5400-0535	OJT Contingency	$1,218.00

Adopted: 8/16/83

SANITARY SEWER EASEMENT - DEDICATION - ACCEPTED

This is a request to dedicate a 20-foot easement around an existing 8-inch sanitary sewer line. This easement will be across Lot 1, which is located in the northeast corner of Longview Drive and New Bern Avenue. This easement is shown in detail on a map that will be available at the Council Meeting. Recommendation: It is recommended that the City Council accept the dedication of this sewer easement so that the appropriate map may be recorded. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRANSPORTATION PLANNING FUNDS - PROPOSED DISBURSEMENT - MAYOR AUTHORIZED TO SIGN

The Department of Transportation recommends that the City Council approve and authorize the Mayor to sign a revised agreement between NCDOT and the City of Raleigh covering the disbursement and accounting of urban transportation grant funds provided to the City by NCDOT. Such an agreement has existed between the City and NCDOT since June 23, 1976. The State has now proposed to revise that agreement because the matching ratio has changed from 80-20 to 85-15; that is, under the proposed agreement the City of Raleigh will provide 15% in-kind services to match 85% grant funds from the State. Under the present agreement that ratio has been 20% City and 80% State. There are no other substantive changes to the new proposed agreement. Recommendation: Approval is recommended and authorization for the Mayor to sign the agreement is requested. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 330

RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORATION AND CITY OF RALEIGH FOR DISBURSEMENT AND ACCOUNTING OF PLANNING FUNDS APPROPRIATED UNDER SECTION 104(f) OF TITLE 23 UNITED STATES CODE

THAT WHEREAS, Section 104(f) of Title 23 United States Code provides planning funds to be apportioned to the State of North Carolina to be made available to metropolitan planning organizations designated by the State for carrying out a continuing, cooperative, and comprehensive urban transportation planning process; and

WHEREAS, the Raleigh Transportation Department has been designated as the Lead Planning Agency for the Raleigh-Cary-Garner Metropolitan Planning Organization to cooperatively perform the planning work with the Department of Transportation and to be recipient of the planning funds provided by Section 104(f) of Title 23 United States Code; and

WHEREAS, The City of Raleigh and the Department of Transportation have previously entered into an Agreement for Disbursement and accounting of the planning funds, said Agreement being dated May 29, 1981, and

WHEREAS, it has been determined by the City Council of the City of Raleigh and Department of Transportation that a revised Agreement is desirable as a result of changes in Federal Regulations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

1. That the revised Agreement for Disbursement and Accounting of Urban Transportation Planning Funds appropriated under Section 104(f), Title 23 United States Code, between the North Carolina Department of Transportation, and the City of Raleigh is hereby approved.

2. That the Mayor be authorized, designated, and empowered in the name of, and on behalf of, the City to: (1) execute said Agreement; (2) accept any funds

extended; (3) make any required assurances; (4) furnish any information and documents that may be required in connection therewith; and (5) execute any necessary documents as may be required.

I move the adoption of the foregoing resolution.

/s/ Avery Upchurch
Councilman

SECONDED BY: /s/ John Edwards
Councilman

Read, approved and adopted this 16th day of August, 1983.

/s/ G. Smedes York
Mayor

/s/ Gail G. Smith
City Clerk

RALEIGH POLICE DEPARTMENT - CONTRACTS RELATING TO JANITORIAL SERVICE/LAWN MAINTENANCE - APPROVED

The Raleigh Police Academy is in need of janitorial services for the Academy and lawn maintenance for the Firing Range. Contact has been made with individuals who can provide these services. A copy of the proposed Lawn Maintenance Contract and a copy of the Janitorial Services Contract will be included in the Council Members' Agenda packets. Recommendation: Approval is recommended. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

PUBLIC NUISANCE ABATEMENT - 1700 SOUTH STATE STREET - BID AWARDED TO G. M. HOLLAND AND SON.

The City of Raleigh has notified Royal Land Company of Raleigh, Inc., concerning the abatement of a public nuisance at 1700 South State Street. The owner failed to abate the public nuisance as re- quired by law, therefore, the Inspections Division requested bids for the abatement of the public nuisance at 1700 South State Street. The Inspections Division received bids on two occasions concerning the abatement of the public nuisance and the Inspections Division is recommending the approval of the bid on June 21, 1983, in the amount of $2,340 for the abatement of the public nuisance. The Inspections Division personnel have contacted Royal Land Company of Raleigh, Inc., and Mr. Paul Hibbert concerning the abatement of the nuisance. Recommendation: The Inspections Division is requesting Council approval for the abatement of the public nuisance at 1700 South State Street. If the nuisance is abated by the City, the cost of the abatement shall be confirmed as a lien against the property. The policy requires bid approval for public nuisance abatements exceeding $1,000. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

MEALS ON WHEELS - CONTRACT - AUTHORIZED

This is a proposed contract between the City of Raleigh and Meals on Wheels of Wake County, Inc., in the amount of $12,000. Recommendation: Approval is recommended. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

LAUREL HILLS OUTFALL EXTENSION - CHANGE ORDER NUMBER 1 - APPROVED

This is a change order which is a deduction of $5,884.00 and is needed for adjustment to final quantities. It is known as Change Order Number 1 relating to the Laurel Hills Outfall Extension and the change order relates to the Hawley Construction, Inc. contract. No budgetary adjustment is shown since this is a deduction of the contract amount and this being a reimbursement contract from a private developer. Administration recommends approval of the change order. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

City Council Members received in their Agenda packet a list of administrative transfers which have been approved according to Council procedure. Concurrence with the City Manager's action on the administrative transfers is recommended. Consent Agenda approval - Upchurch/Edwards - 8 ayes. The transfers are as follows:

FROM	TO	AMOUNT
01-2-1030-277	01-2-1030-100	$110.16
01-2-1220-260	01-2-1220-100	600.00
01-2-1040-001	01-2-1210-231	878.14
01-2-1090-260	01-2-1090-708	70.67
19-2-8410-534	19-2-8410-260	220.00

FROM	TO	AMOUNT
80-2-1000-000	80-2-4000-104	830.00
01-2-4130-229	01-2-4130-226	650.00
43-2-4010-213	43-2-4010-229	100.00
43-2-4010-200	43-2-4010-101	129.96
06-2-7100-002	06-2-7010-731	700.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND APPROPRIATIONS - RESOLUTION AND ORDINANCE ADOPTED

The Agenda presented a list of transfers in the Community Development, Parks and Recreation and Civic Center accounts with recommendation of approval for purposes as stated therein. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 325 TF 7

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 39-2-1000-100		$ 75,000.00
To 39-2-5100-100	Other Services	75,000.00
Purpose: To fund first phase of Rock Quarry Road Bike path between Beltline and Creech Road		
From 43-2-5080-100	Contingency	$ 2,400.00
To 43-2-5010-265	Legal Retainer	2,400.00
Purpose: To provide funds for 1983/84 retainer per contract with Hatch, Little, Bunn, Jones, Few & Berry, Attorneys.		
From 40-2-1000-100	Council Reserve	$ 7,500.00
To 40-2-2500-101	Civic Ctr. Equipment	7,500.00
Purpose: To provide funds for Ice Makers with bins to replace those in Civic Center Kitchen which are in disrepair.		
From 40-2-1000-100	Council Reserve	$ 3,500.00
To 40-2500-101	Civic Center Equipment	3,500.00
Purpose: To provide funds for additional table and staging drape and mobile drapery caddies for use in the main level exhibit areas of the Civic Center.		
From 37-2-8991-200	Chavis Carousel	$ 13,046.00
To 37-2-8991-205	Chavis Carousel Fire Prot.	13,046.00
Purpose: Installation of fire protection system.		
From 34-2-3805-100	Municipal Complex	$ 14,352.00
To 34-2-3805-101	General Contract	14,352.00
Purpose: New Municipal Building - Change Order G-4 - Mid-South Construction Company.		
From 34-2-3805-100	Municipal Complex	$ 1,553,00
To 34-2-3805-105	Plumbing Contract	1,553.00
Purpose: New Municipal Building - Change Order P-2 - Triangle Mechanical Contractor, Inc.		
From 01-2-4110-700	Equipment	$ 6,671.00
To 01-2-4100-716	Communications Eq.	1,050.00
To 01-2-4110-231	Travel	4,440.00
To 01-2-4130-258	Chemicals	1,181.00
Purpose: To place funds approved for Hazardous Materials Response Team into proper expenditure accounts.		
From 01-2-4110-700	Equipment	$ 10,745.00
To 01-2-4110-282	Training Supplies	300.00
To 01-2-4110-263	Tools	615.00
To 01-2-4130-243	Uniforms	9,830.00
Purpose: To place funds approved for Hazardous Materials Response Team into proper expenditure accounts.		
From 38-2-1000-100	Council Reserve	$ 906.00
To 38-2-2010-101	Swimming Pool A	906.00
Purpose: Contract Change Order G-6 - Biltmore Hills and Ridge Road Pools, Clancy & Theys Construction.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 38-2-2010-105	Swimming Pool Elec.	$ 1,200.00
To 38-2-1000-100	Council Reserve	1,200.00

Purpose: Biltmore Hills & Ridge Road Pools - Change Order E-2 - Crocker Electric Company.

From 38-2-1000-100	Council Reserve	$ 2,412.00
To 38-2-2010-101	Swimming Pool A	2,412.00

Purpose: Contract Change Order - Biltmore Hills & Ridge Road Pools, G-5, Clancy & Theys.

From 34-2-3920-100	Transit Terminal Design	$110,000.00
From 34-2-1000-100	Council Reserve	32,000.00
From 34-2-1000-100	Council Reserve	23,000.00
To 34-2-3920-102	Consultant Services	110,000.00
To 34-2-3020-102	Consultant Services	32,000.00
To 34-2-3920-104	Misc. Services	23,000.00

Purpose: To establish project budget for Transit Terminal Deisgn and misc. testing and surveys.

From 34-2-1000-100	Council Reserve	$ 45,000.00
To 34-2-3806-101	Relocation Rent & Modiv.	35,500.00
To 34-2-3806-102	Relocation Parking	9,500.00

Purpose: Moving Police Department due to construction of parking deck.

From 37-2-8991-200	Chavis Carousel	$ 9,324.00
To 37-2-8991-202	Overhead Doors	9,324.00

Purpose: Chavis Carousel Overhead Doors - Construction Account.

From 01-2-1100-100		$ 24,106.00
To 01-2-1180-100	Salaries	24,106.00

Purpose: Cable Administrator budget.

Adopted: 8/16/83

ORDINANCE NO. (1983) 169 TF 3

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $36,891.00 of the General Fund Contingency Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1983/1984 budget ordinance as follows:

$28,391 to Code Accounts as follows:

$11,501.00 to Code Account 01-2-1180-100, Salaries
$ 500.00 to Code Account 01-2-1180-213, Req. & Subs.
$ 115.00 to Code Account 01-2-1180-226, Repairs to Eq.
$ 800.00 to Code Account 01-2-1180-230, Mtr. Veh. M&O
$ 1,000.00 to Code Account 01-2-1180-231, Travel Expense
$ 925.00 to Code Account 01-2-1180-260, Office & Other Supp.
$ 1,600.00 to Code Account 01-2-1180-701, Typewriters
$ 3,450.00 to Code Account 01-2-1180-702, Office Furniture
$ 8.500.00 to Code Account 01-2-1180-703, Automobile

Purpose: To fund Cable Administrator Office.

$1,500.00 to Code Account 01-2-1040-265, Other Services, to purchase picture frames to frame "Certificates of Appointment" presented by City Council.

$5,000.00 to Code Account 01-2-1040-302, Donahue Show, for seed monty to get Phil Donahue Show to tape in Raleigh, during Governor's Conference for Women in Economy.

$2,000.00 to Code Account 01-2-4020-241, Animal Medical to set up inoculation program by City for rabies.

Adopted: 8/16/83

CHAVIS CAROUSEL - FIRE PROTECTION SYSTEM - BID AWARDED TO ASSOCIATED FIRE PROTECTION, INC.

Pursuant to advertisement as required by law bids were received and publicly opened in the Office of the Parks and Recreation Director on July 28, 1983, for the Chavis Carousel fire protection system with results as follows: Automatic Sprinkler - $24,000.00; Crawford Sprinkler - $17,922.00; Bolton Corporation - $14,377.00; Associated Fire Protection, Inc. - $13,046.00. Administration recommends the low bid submitted by Associated Fire Protection, Inc. be accepted. Consent Agenda approval - Upchurch/Edwards 8 ayes.

CHAVIS CAROUSEL - OVERHEAD DOORS - BID AWARDED TO MARTIN ARCHITECTURAL BUILDING PRODUCTS

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Parks and Recreation Director for overhead doors for the Chavis Carousel with results as follows: Martin Architectural Building Products - $9,324.00; H. M. Brown and Son - $10,345.86; Overhead Door Company of Raleigh - $10,397.98; Moeschl-Edwards Company - $10,495.00; Door Systems, Inc. - $12,936.00. Administration recommends the low bid submitted by Martin Architectural Building Products be accepted. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

METHOD PARK IMPROVEMENTS - BID AWARDED TO J. C. EDWARDS CONTRACTING AND ENGINEERING

Pursuant to advertisement as required by law bids were received and publicly opened in the Office of the Parks and Recreation Director on July 28, 1983, for improvements at Method Park with results as follows: Clancy and Theys - $118,000.00; J. C. Edwards Contracting and Engineering - $114,792.00. Administration recommends the low bid submitted by J. C. Edwards Contracting and Engineering be accepted. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Consent Agenda presented recommended changes in the Traffic Code relating to No Parking in the 600 block of Daniels Street, No U-Turn in certain sections of Saunders Street, Permit Parking - Area C - Jones Street and a Traffic Signalization at Avent Ferry Road and Gorman Street with the last being recommended to be effective immediately. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 171

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH NECESSARY FOR THE IMMEDIATE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That Schedule No. 1A entitled "TRAFFIC SIGNALS AND PEDESTRIAN SIGNALS" be amended by adding the following:

Avent Ferry Road and Gorman Street

Section 2. That Traffic Schedule 6B3 entitled "CHANNELIZATION" be amended by deleting the following:

Gorman Street, northward at Avent Ferry Road

Section 3. That Traffic Schedule 6C2 entitled "CHANNELIZATION" be amended by adding the following:

Avent Ferry Road at Gorman Street
Gorman Street southbound at Avent Ferry Road

Section 4. That Traffic Schedule 6C3 entitled "CHANNELIZATION" be amended by adding the following:

Gorman Street northbound at Avent Ferry Road

Section 5. That all laws and portions of laws thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance, being an emergency ordinance, shall become effective upon its adoption.

Adopted: 8/16/83

ORDINANCE NO. (1983) 172

AN ORDINANCE TO AMEND TRAFFIC SCHEDULE OF THE CITY OF RALEIGH RELATING TO PERMIT PARKING FOR AREA C

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 21C relating to "Controlled Parking, Residential Area C" be amended by adding the following:

Jones Street, both sides, Bloodworth to East Street

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective August 23, 1983.

Adopted: 8/16/83

END OF CONSENT AGENDA

TRAFFIC - SCHOOL SIGNAL AND SPEED ZONE - MILBURNIE ROAD - TRAFFIC LIGHT TO REMAIN - SCHOOL ZONE TO BE REMOVED

The Department of Transportation recommends that the pedestrian signal on Milburnie Road at Mary Phillips School be removed. It is also recommended that the school speed zones on Milburnie Road between Hill Street and Raleigh Boulevard and on Delany Drive between Glascock and Milburnie Road be removed also. The Wake County School Board has closed Mary Phillips School. The location meets the requirements established in the 1982 Signal Removal Program. Traffic volumes and pedestrian volumes are well below those levels specified in the Manual on Uniform Traffic Control Devices for non-school pedestrian traffic signals.

Mr. Walters indicated he had asked that this item be withdrawn from the Consent Agenda. He indicated the future use of the Mary Phillips School is unknown at this time. He stated he saw no reason to remove the light as whatever use may be made of this building might need the light. He stated the City had even thought about a need for this building. He moved that this be placed on the Agenda for September 6, for consideration at that time. His motion was seconded by Mr. Edwards. Mr. Blackburn questioned if it would be feasible to remove the school zone but leave the traffic light in place. He indicated since it is no longer a school he sees no need for the school zone and he would question the enforceability of a school zone where there is no school. Mr. Walters indicated he had no problem in removing the school zone. After brief discussion, Mr. Walters amended his motion to state to remove the school zone but leave the traffic light as it is presently installed and if in the future the Department of Transportation feels that the light should be removed a new recommendation could be made to Council. This was seconded by Mr. Edwards. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1983) 170

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 5B entitled "SCHOOL ZONES" be amended by deleting the following:

Delaney Drive, 7:00 a.m. - 9:00 a.m. and 2:00 p.m. - 6:00 p.m., from Milburnie Road to Glascock Street
Milburnie Road, 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m., between Hill Street and Raleigh Boulevard

Section 2. That Traffic Schedule No. 7 entitled "NO U TURNS" be amended by adding the following:

Saunders Street, northbound at the traffic signal located on the south side of the Beltline
Saunders Street, southbound, at the traffic signal located on the north side of the Beltline

Section 3. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Daniels Street, east side, from Smallwood Drive, northward 100 feet

Section 4. That this ordinance shall become effective August 23, 1983.

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Adopted: 8/16/83

Effective: 8/23/83

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating it will be handled in the same manner as the regular Consent Agenda. Mr. Keller requested that CR-2068 (S-114-83) and CR-2069 (PA-181) be withdrawn. Mr. Edwards requested that CR-2062 (S-101-83) be withdrawn and that he be excused from participation in the vote on CR-2071 (SC-202) as his company is involved in this project. Mr. Jordan requested that CR-2078 (Z-89-83) be withdrawn. Mr. Calloway requested that CR-2077 (Z-85-83) be withdrawn. Without objection all items were withdrawn as requested and Mr. Edwards was excused from participation in the vote on CR-2071 as requested. Mr. Walters moved that the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

S-81-83 - JAMES HENRY GOODWIN AND VERA K. GOODWIN - APPROVED

This was a request for approval to subdivide 1.33 acres into two (2) lots, zoned Residential-4. The property is currently developed with two (2) single-family homes.

The property is located on the east side of Ridge Road, directly across from Andrews Lane, inside the City Limits. CR-2057 from the Planning Commission recommended that this request be approved according to a map entitled, "James Henry Goodwin and Vera K. Goodwin," the property of James Henry and Vera K. Goodwin, drawn by Kenneth Close, Inc., dated June 1, 1983, revised August 1, 1983. Consent Agenda Approval - Walters/Calloway - 8 ayes.

S-83-83 - CROWN OAKS TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to construct 136 townhouse units on Tract A (2.4 acres - 24 units) and Tract B (11.2 acres - 112 units), zoned Residential-10 and currently undeveloped, providing 317 parking spaces. The property is located east of Six Forks Road, on the north and south side of Mourning Dove Road, outside of the City Limits. CR-2058 from the Planning Commission recommended that this request be approved according to a map entitled, "Crown Oaks Townhomes," the property of Ryan Homes, Inc., drawn by LaMarr Bunn and Associates and Bass, Nixon and Kennedy, Inc., dated July 1, 1983, revised July 22, 1983, with the condition that the legal documents for the non-profit homeowners association be approved by the City Attorney's Office prior to recording the final plat. It is also recommended that the dedication of the Greenway easement be accepted. Consent Agenda approval - Walters/Calloway - 8 ayes.

S-97-83 - SUMMERFIELD NORTH, SECTION 4 - APPROVED

This was a request for approval to resubdivide 10.19 acres into 26 lots, zoned Residential-4. The property is currently undeveloped. The property is located south of Strickland Road, west of Mourning Dove Road, outside the City Limits. CR-2059 from the Planning Commission recommended that this request be approved according to a map entitled, "Summerfield North, Section 4," the property of Howard, Perry and Walston Realtors, drawn by Bruce K. Martin and Cardovia L. Blackmon, Jr., dated June 24, 1983. Consent Agenda Approval - Walters/Calloway - 8 ayes.

S-98-93 - NEWTON ROAD OFFICE CENTER - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 1.76 acre parcel into three (3) lots (.65 acre, .68 acre, .42 acre), zoned Office and Institution-II and currently undeveloped. The property is located at the northeast corner of Newton Road and Six Forks Road, inside the City Limits. CR-2060 from the Planning Commission recommended that this request be approved according to a map entitled, "Newton Road Office Center," the property of Howard, Perry and Walston Realtors, drawn by B. Kenneth Martin, dated July 21, 1983, with the condition that the legal documents for the cross-parking and access agreement be approved by the City Attorney's office and recorded prior to the recording of the subdivision plat. Consent Agenda approval - Walters/Calloway - 8 ayes.

PA-180 - NEWTON ROAD OFFICE CENTER - APPROVED WITH CONDITIONS

This was a request for approval to construct three (3) office buildings on three (3) lots, zoned Office and Institution-II. Buildings 1 and 2 shall contain 12,600 square feet each and Building 3 shall be a 2,375 square foot bank building. The site is undeveloped. The property is located on the northeast corner of Six Forks Road and Newton Road, inside the City Limits. CR-2061 from the Planning Commission recommended that this request be approved according to a map entitled, "Newton Road Office Center," the property of Howard, Perry and Walston, Realtors, drawn by B. Kenneth Martin, dated July 21, 1983, with the condition that the legal documents for the cross-parking and access agreement be approved by the City Attorney's Office and recorded prior to issuance of building permits. Consent Agenda approval - Walters/Calloway - 8 ayes.

S-102-83 - CEDAR HILLS NORTH CONDOMINIUM CONVERSION - APPROVED WITH CONDITIONS

This was a request for approval to convert 216 existing units into condominiums on a 27.28 acre site, zoned Residential-10 (13.2 acres) and Residential-6 (14.08 acres). The property is located at the northeast corner of Millbrook Road and Cedarwood Drive, inside the City Limits. CR-2063 from the Planning Commission recommended that this request be approved according to a map entitled, "Cedar Hills North Condominium Conversion," the property of B & R Associates and Clifton L. Benson, Sr., drawn by McNeely Associates, dated July 22, 1983, with the following conditions: (1) That the parking (7 stalls) at the bubble end of Pine Ridge Place not be built; (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; and (3) that the developer request the abandonment of several unmaintained sewer lateral easements as these should be maintained by the non-profit homeowners association and not the City. Consent Agenda approval - Walters/Calloway - 8 ayes.

S-105-83 - CENTURY OFFICE PARK - APPROVED WITH CONDITIONS - VARIANCE GRANTED

This was a request for approval to subdivide a 10.19 acre tract which is currently undeveloped into seven (7) lots (average size, 1.5 acres), zoned Office and Institution-II. The property is located at the end of Century Drive, just east of Leesville Road and behind the existing Howard Johnson's, inside the City Limits. CR-2064 from the Planning Commission recommended that this request be approved according to a map entitled, "Century Office Park," the property of J. T. Hobby, Jr., drawn by Jerry Turner and Associates, dated July 29, 1983, with the condition that the existing portion of Century Drive be reconstructed to meet City standards and

policies prior to issuing any building permits for the seven (7) new lots; and that a variance be granted for extension of Century Drive to exceed the 400 foot maximum length for a dead-end street, pursuant to Section 10-3004. Consent Agenda approval - Walters/Calloway - 8 ayes.

S-109-83 - STONEHENGE VIII - APPROVED - VARIANCE GRANTED

This was a request for approval to subdivide a 31.3 acre tract into 29 single-family lots, zoned Residential-4. The site is currently undeveloped. The property is located at the north end of Wellsley Way and Foggy Bottom Drive, just south of Strickland Road, outside the City Limits. CR-2066 from the Planning Commission recommended that this request be approved according to a map entitled, "Stonehenge VIII," the property of Development Associates, Inc., drawn by Penny Green and Associates, dated July 20, 1983. It is also recommended that a variance be granted to Section 10-3004 to allow a cul-de-sac longer than 800 feet in length. Consent Agenda approval - Walters/Calloway - 8 ayes.

S-110-83 - TOWER VILLAS DUPLEX TOWNHOUSES - APPROVED WITH CONDITION

This was a request for approval to subdivide and develop 14 townhouse duplexes (28 total units) and one (1) multi-family lot on a 5.5 acre parcel, currently undeveloped and zoned Residential-6. The property is located at the northeast corner of Lake Woodard Road and Summerdale Drive. CR-2067 from the Planning Commission recommended that this request be approved according to a map entitled, "Tower Villas Duplex Townhouses," the property of Development Associates, Inc., drawn by Penny Green and Associates, dated July 18, 1983, with the condition that the legal documents for the common party wall maintenance and access agreements be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Walters/Calloway - 8 ayes.

PA-183 - BARNEY JOYNER OFFICE BUILDING - APPROVED WITH CONDITION

This was a request for approval to construct a 6,878 square foot office building on a 0.3 acre parcel which is currently undeveloped and zoned Office and Institution-II. The property is located on the western corner of New Bern Avenue, Idlewild Avenue and Edenton Street, inside the City Limits. CR-2070 from the Planning Commission recommended that this request be approved according to a map entitled, "Barney Joyner Office Building," the property of Barney Joyner, drawn by North Ridge Designers, Inc., dated July 27, 1983, with the condition that a detailed landscaping plan be approved by Staff prior to issuing a building permit. Consent Agenda approval - Walters/Calloway - 8 ayes.

SC-202 - PORT OIL COMPANY - APPROVED WITH CONDITION

This was a request for approval to construct a 1,890 square foot service station on a 0.6 acre parcel, zoned Shopping Center and currently undeveloped. The property is located on the south side of New Bern Avenue, adjacent to the Longview Gardens Shopping Center, inside the City Limits. CR-2071 from the Planning Commission recommended that this request be approved according to a map entitled, "Port Oil Company," the property of Port Oil Company, drawn by John A. Edwards and Company, dated July 22, 1983, with the condition that a detailed landscaping plan be approved by Staff prior to issuing building permits. Consent Agenda approval - Walters/Calloway - 7 ayes (Mr. Edwards excused during vote on the Consent Agenda).

SC-204 - HARMON VOLKSWAGEN ADDITIONS - APPROVED

This was a request for approval to construct an 8,800 square foot addition to the existing building on a 5.45 acre parcel, zoned Shopping Center. The site is developed as a Volkswagen dealership. The property is located at the southwestern corner of Hodges Street and Old Wake Forest Road, inside the City Limits. CR-2072 from the Planning Commission recommended that this request be approved according to a map entitled, "Harmon Volkswagen Additions," the property of A. J. Harmon, drawn by Innovative Design, dated July 1, 1983. Consent Agenda approval - Walters/Calloway - 8 ayes.

SC-206 - CONTINENTAL MODULAR HOMES - APPROVED

This was a request for approval to park a modular home on a flatbed trailer as a display unit on a one (1) acre parcel which is currently undeveloped and zoned Shopping Center. The property is located on the east side of Blue Ridge Road, south of US 70 West, adjacent to Crabtree Creek, inside the City Limits. CR-2073 from the Planning Commission recommended that this request be approved according to a map entitled, "Continental Modular Homes," the property of Kidd Brewer, drawn by Continental Homes, dated July 21, 1983. Consent Agenda approval - Walters/Calloway - 8 ayes.

REZONING Z-31-83 - POOLE ROAD - DENIED WITHOUT PREJUDICE

This was a request for approval to rezone approximately 30 acres from Residential-4 to Industrial-I. CR-2075 from the Planning Commission recommended that Z-31-83 be denied without prejudice. Consent Agenda approval - Walters/Calloway - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

S-101-83 - OAK RUN TOWNHOUSES - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct 92 townhouse units on 11.66 acres, currently undeveloped and zoned Residential-10, providing 47,200 square feet of open space and 204 parking spaces. The property is located between Bashford Road and Western Boulevard Extension, north of Quarter Deck Apartments, inside the City Limits. CR-2062 from the Planning Commission recommended that this request be approved according to a map entitled, "Oak Run Townhouses," the property of Oak Run Associates, drawn by Smith/Sinnett and McNeely Associates, dated June 30, 1983, revised July 28, 1983, with the following conditions: (1) That the legal documents for the non-profit homeowners association be approved by the City Attorney's Office prior to recording the final plat; and (2) that the total street improvements to Oak Run Drive must be completed, inspected and accepted by the City prior to issuance of building permits.

Mr. Edwards indicated he had asked that this item be removed from the Consent Agenda. He indicated he had some questions about Condition Number 2 and why that condition was placed on the subdivision. He stated he would request that S-101-83 - Oak Run Townhouses be referred to the Public Works Committee. His motion was seconded by Mr. Upchurch and passed unanimously.

SUBDIVISION S-114-83 - PARK PLACE OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS; DRAINAGE PROBLEM NOTED AS PART OF RECORD

This was a request for approval to construct a 55,100 square foot office condominium project consisting of a maximum of 167 units in one building on a 7.62 acre lot, zoned Office and Institution-III. The property is located on the east side of Six Forks Road, just north of Oakland Drive, inside the City Limits. CR-2068 from the Planning Commission recommended that this request be approved according to a map entitled, "Park Place Office Condominiums," the property of Med-Dent Office Investors, Limited, drawn by Envirotek, Incorporated, dated July 22, 1983, with the condition that the legal documents for the non-profit owners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Mr. Keller indicated he had requested that this item and the related plan approval (PA-181) be withdrawn from the Consent Agenda. He stated he did not want to hold these two items up but just wanted to point out this is a good example where the developer and the local people started out a long way apart but by working together came up with a solution that is workable for all. He indicated on the two CR's, (CR-2068 and CR-2069) there is a note - the developer and adjacent residents should work toward a solution to off-site drainage near Cheswick Drive. This may possibly involve the City's current policy regarding participation of the property owners in residential areas in piping storm water to a suitable destination. The drainage system shown on this plan does conform to City Code. Mr. Keller indicated he just wanted this note a part of the record and wanted the developers aware of the problem and the need to work with the people and the City to resolve this problem. Mr. Edwards indicated he would agree with the comments made by Mr. Keller pointing out this drainage isn't in the final design and there is plenty of time to work out the problem. He stated he concurred in putting this note in the record. Mr. Keller moved approval of CR-2068 as recommended by the Planning Commission. His motion was seconded by Mr. Edwards and passed unanimously. The Mayor ruled the motion adopted.

PA-181 - PARK PLACE OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS AND NOTE ABOUT DRAINAGE

This was a request for approval to construct a 55,100 square foot office condominium project consisting of one (1) building with up to 167 units on a 7.62 acre parcel, zoned Office and Institution-III. The site is currently developed with a residential structure. The property is located on the east side of Six Forks Road, just north of Oakland Drive, inside the City Limits. CR-2069 from the Planning Commission recommended that this request be approved according to a map entitled, "Park Place Office Condominiums," the property of Med-Dent Office Investors, Limited, drawn by Envirotek, Incorporated, dated July 22, 1983, with the following conditions: (1) That a detailed landscaping plan be approved by the Staff prior to issuance of building permits; and (2) that the legal documents for the non-profit owners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Mr. Keller indicated he had requested this item be withdrawn from the Consent Agenda and referred to the comments he made relative to Subdivision S-114-83 which is a subdivision on this same property indicating his comments would be the same. Mr. Keller moved the Planning Commission's recommendation as outlined be upheld. His motion was seconded by Mr. Edwards and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-85-83 - LYNN ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately one (1) acre from Residential-4 to Neighborhood Business. CR-2077 from the Planning Commission recommended that Z-85-83 be approved as amended; that is, that Z-85-83 be rezoned to Residential-10.

Mr. Calloway pointed out he had received a lot of calls about this item and he would request that Rezoning Z-85-83 be referred to the Comprehensive Planning Committee. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-89-83 - SIX FORKS ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 19 acres from Residential-4 to Residential-10. CR-2078 from the Planning Commission recommended that Z-89-83 be approved as amended; that is, that the property contained in Z-89-83 be rezoned to Residential-6.

Mr. Jordan requested that Z-89-83 be referred to the Comprehensive Planning Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-62-83 - EDWARDS MILL ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 37 acres from Residential-4 to Residential-6. CR-2074 from the Planning Commission recommended that Z-62-83 be approved as requested.

Planning Commission Chairman Woodlief explained the proposal. Mayor York indicated for the record he would like to point out that the Council Members had received a request that this item be deferred for two weeks. He stated he was not advocating nor against this request and was bringing it up for Council consideration. Mr. Walters indicated he had received the same request today and he had told the people involved that if that was the sentiment of the Council he would have no objection. Mr. Edwards moved that the Planning Commission's recommendation as outlined in CR-2074, that is, approve the rezoning as requested be upheld. His motion was seconded by Mr. Calloway and passed unanimously. The Mayor ruled the motion adopted. See Ordinance 173 ZC 124.

REZONING Z-84-83 - LYNN ROAD - APPROVED AS AMENDED; PUBLIC HEARING TO CONSIDER REZONING R-4 STRIP LEFT OUT OF PETITION - AUTHORIZED

This was a request for approval to rezone approximately 44.2 acres from Residential-4 to Residential-10 (15.7 acres) and Residential-15 (28.5 acres). CR-2076 from the Planning Commission recommended that Z-84-83 be approved as amended; that is, that all the property contained in Z-84-83 be rezoned to Residential-10.

Mr. Edwards moved that the Planning Commission's recommendation be upheld and in addition that a 50-foot strip along the frontage of the property from the center line of Lynn Road be rezoned to Conservation/Buffer for the entire length of the property in question and in addition, that the portion of R-4 land, that is, the 105-foot strip that runs along the rear of the property that was left out of the petition be advertised for public hearing to consider rezoning to Conservation/Buffer on the initiative of the Council. Mr. Edwards pointed out that this motion if approved would place a Conservation/Buffer zone along the future right-of-way of Lynn Road and insure site plan approval for the project. He indicated when the project comes in there would be a dedication of right-of-way. Discussion took place with it being pointed out that the motion was to rezone a 50-foot strip from the center line of Lynn Road that in reality it would be a five-foot Conservation/Buffer from the new right-of-way of Lynn Road as the petition goes to the center line of Lynn Road. Mr. Jordan again stated as he understands it if rezoned as recommended by Mr. Edwards that this would require site plan approval of the property. Mr. Jordan indicated he had talked with some of the people in the neighborhood and they were supportive of this concept. He stated there was a lot of apprehension and he hoped that all parties involved will deliver what they have said they would deliver. Mr. Upchurch indicated he feels that the motion as made by Mr. Edwards with the addition of advertising the 105-foot strip Conservation/Buffer would delineate the Northclift neighborhood and keep them from being infringed upon. The motion as stated was put to a vote and passed unanimously.

ORDINANCE NO. (1983) 173 ZC 124

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Lynn Road, south side, between Six Forks Road and Keystone Drive, being Parcels 41, 569, and portions of Parcel 30 and 65, Tax Map 351 rezoned to Residential-10 with a Conservation/Buffer strip of 50' from the center line along Lynn Road, according to map on file in the City of Raleigh Planning Department (Z-84-83)

(b) Edwards Mill Road, north side, between Glen Laurel Drive and Creedmoor Road Extension, being Parcels 27 and 594, Tax Map 433, and Parcel 268, Tax Map 405, rezoned to Residential-6 District. (Z-62-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the date of adoption.

Adopted: 8/16/83

COMMITTEES, COMMISSIONS AND BOARDS

APPEARANCE COMMISSION - APPOINTMENTS MADE

The Clerk reported the term of Al Brothers expired July 21, and he is not eligible for reappointment. The term of Vince Zucchino expired August 4, 1983. Nominations include Mr. Zucchino, Carlton Midyette, Sam Gaither and Bill Ellington. Nominations have not been closed. Ms. Babb indicated she regrets to have to withdraw the name of Sam Gaither as he will not be able to serve if appointed. There being no further nominations, nominations were closed and a ballot vote resulted as follows: Zucchino - 7 (York, Keller, Calloway, Babb, Upchurch, Edwards, Walters); Midyette - 6 (Keller, Jordan, Babb, Upchurch, Edwards, Walters); Ellington - 3 (York, Calloway, Jordan). The reappointment of Vince Zucchino and the appointment of Carlton Midyette for a two year term on the Appearance Commission was announced.

TRANSIT AUTHORITY - APPOINTMENTS MADE

The City Clerk indicated the term of John R. Stone expires September 1, 1983 and there is a second vacancy on the Transit Authority due to the death of Robert Lawrence. Nominations include: B. H. Hunt, Marcus L. Scruggs, and Pat Pierce. Nominations have not been closed. There being no further nominees, nominations to the Transit Authority were closed and a ballot vote resulted as follows: Hunt - 2 (Calloway, Edwards); Scruggs - 7 (Walters, Jordan, Keller, York, Babb, Upchurch, Edwards); Pierce - 7 (Walters, Jordan, Keller, Calloway, York, Babb, Upchurch). The City Clerk announced the appointment of Marvin L. Scruggs and Pat Pierce to a two year term to the Transit Authority.

HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - APPOINTMENT MADE

The Clerk reported one vacancy due to the resignation of Bobby Strickland. Kay holder has been nominated by Mr. Edwards and nominations have not been closed. There being no further nominees, Mr. Edwards moved that nominations to HRHRAC be closed and Ms. Holder appointed by acclamation. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

FALLS LAKE ADVISORY COMMITTEE - TO BE PLACED ON NEXT AGENDA

The City Clerk indicated this is a five person committee with representation from certain categories. She explained during the last meeting it was agreed that nominations and appointments to this committee could be made at the same meeting. She indicated the Planning Director had made some suggestions for various categories and a copy of that memo was attached to the Appointments Memo. The only actual nomination thus far has been in the water quality specialist category in which Augustus Witherspoon was nominated by Mr. Calloway. Discussion took place on what procedure to follow. It was pointed out that the Corps of Engineers has suggested Chris Meshaw. Mr. Upchurch nominated Dave Reynolds with the NC League for one of the at-large positions. Mr. Keller nominated Charles Davy in the Soil Specialist Division. The Clerk was asked to furnish Council Members a memo showing actual nominations prior to the next meeting in hopes that this Committee could be appointed at the next meeting.

TELECOMMUNICATIONS COMMISSION - NOMINATIONS MADE

This Commission was established by Ordinance 1983-167 adopted on August 2. It is a nine member commission including the Chairman. No nominations have been made. The City Clerk indicated she had attached a copy of the ordinance establishing the commission to the Council Members' Appointment Memo for information. In response to questioning from the Mayor City Attorney McCormick indicated the item of the Access Corporation is still being studied in Committee. He stated he saw nothing wrong with going ahead and appointing the Telecommunications Commission. Mr. Upchurch nominated Tom Lindley with NCNB. Mr. Walters nominated John Kinney, Jr. He stated he would like to nominate Mr. Kinney for a two year term. Discussion took place as to how the Council would delineate the two year terms and one year terms. Various possibilities were discussed such as putting the names in alphabetical order and every other one being a two year term, the top vote getters being two year terms, etc. It was agreed, however, to just take nominations at this point. Mr. Calloway nominated Paul Vandergrift. Mr. Keller nominated Dr. Ted Hyman. No further action was taken.

HOUSING APPEALS BOARD - NOMINATIONS MADE; ALTERNATE SLOT ANNOUNCED

The City Clerk reported the term of Frank Roberts expires October 8, 1983. He is eligible for reappointment. No nominations have been made. Mr. Upchurch nominated Mr. Roberts for reappointment.

The City Clerk indicated recently the Council passed an ordinance enlarging the Housing Appeals Board, therefore, there is a vacancy for an alternate member. No nominations were made.

YOUTH COUNCIL ADVISORY BOARD - NO ACTION TAKEN

The City Clerk reported the term of Kay Ferguson Letterman expires September 3, 1983. The Clerk indicated she is eligible for reappointment but she understands that Ms. Letterman does not wish to be reappointed. She stated she had not talked directly with Ms. Letterman. No action was taken.

PLANNING COMMISSION - RESIGNATION ANNOUNCED

Mayor York read a letter from James R. Graham resigning as a member of the Raleigh Planning Commission effective August 31, 1983. Mayor York indicated he had advised Mr. Graham that he would continue to serve until replaced by the Council. He expressed appreciation for Mr. Graham's work during his tenure on the Planning Commission.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - BOB SEXTON APPOINTED AS CHAIRPERSON

The Mayor indicated he had received a letter relating to the Mayor's Committee on Services to the Handicapped. He indicated Bob Carter had served as Chairperson of this Committee and recently the Council appointed Ron Norwood as Mr. Carter could no longer serve. He indicated he had received a letter from Mr. Norwood expressing regret that he would not be able to serve as Chairperson but suggesting that Bob Sexton be appointed by the Council to serve as Chairperson. Mayor York read Mr. Norwood's letter which indicated that Mr. Sexton is an active member on the Committee and would make a good Chairperson and is willing to serve. Brief discussion took place and Mr. Upchurch moved that Mr. Sexton be appointed Chairperson as the Mayor's Committee on Services to the Handicapped. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

BUSINESS ESTABLISHMENTS - OVERCROWDING - REMOVED FROM THE AGENDA

Chairman Jordan reported the Committee recommends that this item be removed from the Agenda with no action taken. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BIKE TRAIL - ROCK QUARRY ROAD - PROJECT AUTHORIZED TO BE PHASED OVER TWO YEARS

Mr. Jordan reported the Law and Finance Committee recommends construction of an eight-foot wide asphalt bike trail along Rock Quarry Road between Sherrybrook Drive and Creech Road to be funded from City Council Contingency at an estimated cost of $125,000.00. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Calloway.

Mayor York indicated he is very much for the bike trails and he feels that this is a needed location. He stated the only thing that bothered him is the source of funds being City Council Contingency questioning if there is some other funding source. He indicated again he is very much for this project but this $125,000.00 would be about 20% of what the Council has in contingency pointing out it is still very early in the year. Mr. Walters questioned if there were sidewalk funds available with it being pointed out they are almost expended. Mr. Jordan indicated he had been advised by the City Council that a possible source of funding would be Miscellaneous Capital Improvement funds. City Manager Zachary suggested the possibility of phasing this over a two year period. That is, do one half of the project this year and take the funds out of Miscellaneous Capital Improvements funds and take care of the other half of the project in next year's budget. Mayor York indicated he would feel much more comfortable with that funding source. Discussion took place after which Mr. Jordan amended his motion to indicate that he would recommend construction of an eight-foot wide asphalt bike trail along Rock Quarry Road to be phased over a two year period. That is, the portion between the Beltline and Creech Road be undertaken this year with the source of funds being Miscellaneous Capital Improvement funds and the portion from the Beltline to Sherrybrook Road be completed next year and funded in next year's budget. This restated motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 325 TF 7.

THORPESHIRE DRIVE - SUPERELEVATION - NO VARIANCE GRANTED

On behalf of the Law and Finance Committee Mr. Jordan moved that no variance in Code requirements be granted for Thorpeshire Drive and that superelevation be required. His motion was seconded by Mr. Calloway. Mr. Edwards indicated his company is involved in this project and he would request to be excused from participation in this matter. Without objection Mr. Edwards was excused. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

STREET IMPROVEMENTS - TIPTON - RESOLUTION OF INTENT ADOPTED

On behalf of the Law and Finance Committee Mr. Jordan moved adoption of a Resolution of Intent to pave 27-feet back-to-back and install curb and gutter in the 900 and 1000 blocks of Tipton Street. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1983-326

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters and drains and paving twenty-seven (27) feet back to back in the 900 and 1000 blocks of Tipton Street.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; and remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the 20th day of September, 1983, at 7:00 p.m., in the Council Chamber of the Municipal Building, Room 315, in the City of Raleigh, North Caroina, or as soon thereafter as the matter can be reached.

Adopted: 8/16/83

STREET IMPROVEMENTS - LAKE WHEELER ROAD IN CONNECTION WITH HOLLIFIELD SUBDIVISION - WAIVED

On behalf of the Law and Finance Committee Mr. Jordan moved that Nell Hollifield be relieved of the requirement for improvements to Lake Wheeler Road but be allowed to divide her property and give a lot to her daughter. His motion was seconded by Mr. Calloway. Mr. Walters indicated he feels that this would be setting a precedent. He stated, however, if this is what the Council wants to do he will go along with it but he had rather study the subdivision requirements. Mr. Calloway indicated he felt that we should move along and let Ms. Hollifield go ahead and give her daughter the lot but maybe the Council could study the Subdivision Ordinance. Mr. Walters indicated he knew of other similar cases and he feels that they are going to come in and request the same consideration that Ms. Hollifield has requested. He stated he feels we need to go ahead and study the Subdivision Ordinance. Mr. Upchurch indicated he too knew of similar circumstances and explained an incidence of a gentlemen who lives on Ponderosa Drive at its dead end who wants to subdivide his land. He stated he feels the Council is going to get many similar requests. He stated if the City Council wants to do what is being suggested, he feels the Council needs to look at the Code as it pertains to this type situation. Mr. Jordan indicated he understood what Council Members were saying. He pointed out, however, if we have a law and go strictly by the law with no deviations, then we would not need a City Council as Administration could handle every situation. He indicated that is what the Council is all about, to hear cases and make decisions and interpretations. The motion as stated was put to a vote and passed unanimously.

Mr. Edwards moved that the question of two lot subdivisions be referred to the Public Works Committee for study. His motion was seconded by Mr. Keller and passed unanimously. The Mayor ruled the motion adopted.

Mr. Edwards indicated for the record he would like to point out that he did the preliminary work on the Hollifield Subdivision. He stated by voting on the action the way he voted he is actually putting himself out of some work so he does not feel there is a conflict of interest. He stated had he voted to require Ms. Hollifield to make the street improvements, then he would have more work. Mr. Walters pointed out he feels that we are creating a loophole in the Subdivision Ordinance. He stated there are a lot of smart people in the City of Raleigh and they will start utilizing these loopholes to their advantage. He stated he can see subdivisions being created through a loophole if we do establish something for these two lot subdivisions.

SIGN - AFL-CIO - APPLICANT ASKED TO REQUEST REHEARING

Mr. Jordan reported the Law and Finance Committee recommends that the AFL-CIO file an application for rehearing before the Board of Adjustment relating to the Sign Installation at 1408 Hillsborough Street. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. The Mayor ruled the motion adopted.

SWIMMING POOLS - BILTMORE HILLS/RIDGE ROAD - RETAINED IN LAW AND FINANCE COMMITTEE

Mr. Jordan indicated the Committee was planning to make a recommendation on this item. He stated, however, he had had some discussions with the contractor and he believes we can resolve this in a reasonable fashion. He stated, therefore, he would like to hold this item in the Law and Finance Committee. He stated everyone wants to be fair and reasonable about this situation but we do want a pool that we can swim in this summer at Martin School. He stated he feels that this can be accomplished. After brief discussion, the item was retained in the Law and Finance Committee.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

SANITARY SEWER FEES - NO CHANGE IN POLICY

Mr. Edwards reported the Public Works Committee recommends that this item be removed from the Agenda with no action as the Committee feels the current policy is fair. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

INSPECTION FEE SCHEDULE - CHANGE MADE - FUTURE DIRECTION GIVEN

Mr. Edwards reported the Public Works Committee recognizes a problem did exist with the specialty construction trades in notification of the change in fees. In the future when changes are made an attempt should be made to notify these specialty trades approximately 60 days before the effective date. Mr. Edwards indicated the Committee had discussed this item with some of the subcontractors and recommending no change in the present inspection fee schedule but just feel that if additional notification could be given, it would avoid similar problems in the future. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and passed unanimously. The Mayor ruled the motion adopted.

UNSAFE BUILDING - 20 ST. AUGUSTINE AVENUE - ORDINANCE ADOPTED

Mr. Edwards indicated the Public Works Committee recommends adoption of an ordinance declaring the dwelling at 20 St. Augustine Avenue unsafe and directing demolition. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1983) 168

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 20 ST. AUGUSTINE AVENUE IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 7, Chapter 4, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Inspections Superintendent for the reason that the same is an unsafe building as described in Part 7, Chapter 4, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Mrs. Elnora White, Heirs	20 St. Augustine Avenue

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Article IV of Chapter 7 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective upon its adoption.

Adopted: August 16, 1983

BLUE RIDGE ROAD - RECOMBINATION OF PROPERTY - NOT AUTHORIZED; PROPOSED PROCEDURE FOR RECOMBINATIONS - PUBLIC HEARING AUTHORIZED

Mr. Edwards indicated on the basis of omitted information, lack of appropriate signatures and general questions about the process taken in the past, the Public Works Committee recommends that the 1980 maps relating to recombination of property on Blue Ridge Road not be considered as recombination maps. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and passed unanimously.

Mr. Edwards indicated in studying this item the Committee felt that we should establish different procedures for recombination. He indicated Council Members received in their Agenda packet a proposed ordinance amending the subdivision regulations to establish procedures for recombination. He stated the Public Works Committee recommends scheduling a public hearing to consider this ordinance as soon as possible. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. The Mayor ruled the motion adopted.

GOVERNOR'S CONFERENCE FOR WOMEN IN ECONOMY - SEED MONEY APPROPRIATED CONDITIONALLY; ITEM HELD IN COMMITTEE

Mr. Edwards reported the Public Works Committee was advised that efforts are being made to get the Phil Donahue Show to this area in conjunction with this conference. The Committee recommends the appropriation of $5,000 as seed money contingent on a commitment from the Donahue Show to do a series of broadcasts from the City of Raleigh. This item is being held in Committee for further study. Mr. Edwards indicated the source of funding would be City Council Contingency. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and after brief discussion a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 169 TF 3.

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

MUNICIPAL BUILDING - CHANGE ORDER G-4 - MID-SOUTH CONSTRUCTION COMPANY - APPROVED

The Committee recommends approval of Change Order No. G-4, Mid-South Construction Company, for an addition of $14,352. This change order is to provide for completing preparatory work for connecting the future bridge to the new Municipal Building so that no additional modification of the new building will be required. Budget accounts to be amended:

From:	34-2-3805-100	Municipal Complex
To:	34-2-3805-101	General Contract

On behalf of the committee Mr. Edwards moved the change order as outlined and appropriate transfer be authorized. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 325 TF 7.

MUNICIPAL BUILDING - CHANGE ORDER P-2 - TRIANGLE MECHANICAL CONTRACTOR, INC. - APPROVED

Mr. Edwards reported the Public Works Committee recommends approval of Change Order No. P-2, Triangle Mechanical Contractor, Inc., in the amount of $1,553. This is to provide labor and materials for installing a back flow valve in the sanitary main. Budget accounts to be amended:

From:	34-2-3805-100	Municipal Complex
To:	34-2-3805-105	Plumbing Contract

On behalf of the Committee Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 325 TF 7.

REPORT AND RECOMMENDATION OF THE RALEIGH ARTS COMMISSION

CITY ART GALLERY PROPOSAL - REFERRED TO DOWNTOWN COMMITTEE

John Parker, Chairman of the Arts Commission, presented the following report: On May 17, City Council upheld the Downtown Committee's recommendation: That the City Art Gallery proposal be referred to the Arts Commission for study and recommendation back to the Council.

On June 2, the Arts Commission formed a special six-member committee to examine and evaluate the proposal, chaired by its liaison to the City Art Gallery Board. Since then, the special committee held four meetings, two of which were with representatives from the City Art Gallery Board.

At the request of the special committee, the City Art Gallery Board presented expanded plans for establishing the gallery, which included a funding scheme, organizational activities, staff job descriptions, alternative sites, and an amended budget to reflect more accurately their expenses during the development period.

After careful examination, the special committee found that the detailed proposal satisfactorily answered all questions previously raised. The committee recommended that the full Arts Commission endorse the City Art Gallery request to City Council for funding. This recommendation, having been unanimously approved by the Arts Commission, is now presented to the City Council, as follows:

> IT IS THE RECOMMENDATION OF THE RALEIGH ARTS COMMISSION THAT CITY COUNCIL APPROVE THE CITY ART GALLERY'S AMENDED REQUEST FOR $25,239 TO BEGIN FIRST YEAR DEVELOPMENT OF THE GALLERY. FURTHER, THAT THE CITY ART GALLERY'S REQUEST FOR $80,000 IN OPERATING MONEY FOR THE SECOND YEAR BE APPROVED SUBJECT TO THEIR DEMONSTRATING SATISFACTORY PROGRESS DURING THIS FIRST YEAR TOWARDS FINAL SITE SELECTIONS AND THE DEVELOPMENT OF LONG-RANGE PLANS FOR GALLERY RENOVATION AND EXHIBIT FUNDING.

The City of Raleigh Arts Commission feels that this is a project of merit which can substantially contribute to the overall cultural life of our community and specifically aid downtown development plans.

Carl Venters indicated Council Members had received a booklet on the Arts Gallery proposal explaining the yearly operating budget is projected at $80,000 and would go mainly for director salaries and rent for the Arts Gallery. He indicated this non-profit organization would provide for upfitting of the space, etc. He explained the need for a City arts gallery and how it would be utilized. Mayor York indicated this has been in the Downtown Committee and the Downtown Committee asked the Arts Commission to make a recommendation. He stated he feels very good about the concept but feels it should be studied a little further and he would recommend that the Arts Gallery proposal be referred to the Downtown Committee for report back to the next Council Meeting. Mr. Upchurch questioned what the funding source would be. He stated he has no real problem with the proposal, but questioned the funding source. Mayor York indicated that would be one thing that would need to be discussed in Committee. He stated in funding items such as this the Council may wish to consider some limit on funding not get the City involved in year-after-year commitment. Discussion took place on how the Arts Gallery would be utilized pointing out Raleigh is the only City of about the 20 largest cities in North Carolina that does not have its own art gallery as we had had the State gallery for so long. Other discussion took place about some recent news articles relative to utilization of the Carriage House. Mayor York indicated in his opinion for a downtown to be successful it should be the center for several activities such as cultural, financing, governmental, etc. He indicated it is hoped that this type of activity could be carried on in the downtown area. Mr. Edwards moved that the art gallery proposal be referred to the Downtown Committee and Administration be asked to give some recommendation on sources of funding. His motion was seconded by Mr. Upchurch and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

DOWNTOWN COMMITTEE MEETING - ESTABLISHED

Discussion took place as to items in the Downtown Committee. After brief discussion it was agreed that the next Committee meeting would be August 23, at 3:30 or as soon as the Law and Finance Committee is completed. Mayor York stated among the items that should be discussed are: Arts Gallery proposal; the possibility of a downtown business development workshop as outlined in the Community Development Director's memo dated August 15; update on Artspace. Mayor York indicated he was asked to meet with Mr. Ziegler about the Artsspace Project and there is a possibility of it being a separate project but tied together and there needs to be a status report given on this. He stated there may be other items that need to be discussed but he knows that these need to be scheduled.

DOWNTOWN ADVISORY COMMITTEE - BYLAWS APPROVED

Mayor York indicated Council Members received in their Agenda packet proposed bylaws for the Downtown Advisory Committee. He indicated these were adopted by the Downtown Advisory Committee at their August 3 meeting subject to Council approval. He stated he felt the bylaws should be approved by Council and he would recommend approval. Mr. Edwards moved that the Downtown Advisory Committee bylaws as presented be approved. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

PULLEN PARK - HELIUM BALLOON CONCESSION - AWARDED TO JONATHAN DUFFIELD

City Manager Zachary indicated proposals were received on Thursday, August 11, at Pullen Park for the helium balloon concession. He stated only one bid was received and it was felt that only one would be received if a second advertisement took place. He indicated that bid was submitted by Jonathan Duffield of Chapel Hill and he has indicated that he would give the City 25% of the gross revenue generated from sale of inflatable novelties as commission, $30.00 per month for necessary closet/storage space, as rent, for actual months of use only and the period would be calendar year 1984. City Manager Zachary indicated the City Attorney has advised that this award could be made on the one proposal and Administration would recommend that the award be made as outlined. Mr. Upchurch moved approval of awarding the concession to Jonathan Duffield as recommended. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PARK BOND FUNDS - CHANGE IN AUTHORIZATION - APPROVED

Refurbishing the tennis courts at Roberts Park was in the bond financed projects. The funds were placed in Capital Account 38-2-3060-100. In the work that annually refurbishes the surface of some of our tennis courts, we received a credit change order. This permitted us to refurbish the surface of Roberts Tennis Courts without use of the bond funds. It is recommended that the above numbered account be changed to Roberts Park General Improvements. The new work will include emergency repairs to the roof of the center and landscaping improvements throughout the park, in that priority. Recommendation: Approval is recommended

Mr. Walters indicated this project is needed and he would recommend approval of Administration's recommendation as outlined. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TRAVEL REIMBURSEMENT POLICY - PROPOSED CHANGES - APPROVED

Reimbursement rates for City employees who travel on City business are established by Standard Procedure 500-1. In order that the rates are maintained at a reasonable reimbursement level, the procedure is periodically updated. Subject to City Council concurrence, the following changes are planned at this time. The lodging reimbursement limit of $50 per night will be eliminated and replaced with the wording, "Lodging expenses will be reimbursed at the actual cost of the room, provided that the employee will seek reasonably priced lodging subject to the department head's approval."

The per diem reimbursement rate for meals will be eliminated and the individual meal reimbursement rates will be increased as follows:

Item	Current Reimbursement Rate	Current Reimbursement Rate
In-State Breakfast	$ 2.50	$ 3.50
In-State Lunch	3.00	3.50
In-State Dinner	6.50	9.00
Out-of-State Breakfast	4.00	5.00
Out-of-State Lunch	6.00	7.00
Out-of-State Dinner	12.50	13.00

Mileage reimbursement rates for City employees who use their personal vehicles on occasional City business including travel are also set forth in the travel Standard Procedure. The mileage reimbursement rate will be increased from 18¢ per mile to 22¢ per mile.

The above rates proposed are compatible with other government agencies and appear to be reasonable based upon actual cost experience. Subject to City Council concurrence with these rates, the change will be implemented. A copy of the present standard procedure will be included with the Council Members' Agenda packets. Recommendation: Approval of these proposed recommendations is recommended.

Mayor York indicated he did not have a problem with the proposal but questioned why the out-of-state meal charges are higher than the in-state. Brief discussion took place with various Council Members indicating it is more expensive out-of-state than in-state. Mr. Walters moved the proposed reimbursement policy as outlined be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CIVIC CENTER - OGDEN FOOD SERVICE CONTRACT - AUTHORIZED

The City Council has previously approved a proposal by Ogden Food Service Corporation to be the caterer at the Civic Center subject to the development of a recommended agreement by Administration. Such an agreement has been developed and has been approved as to form by the City Attorney. This 3-year contract calls for an

expenditure of $70,000 by the Corporation for small wares to be depreciated over a 3-year period. It also calls for expenditure of up to $130,000 for Capital Items and this would include $40,000 for replacement of carpeting of the east wing of the Civic Center. This is a three year contract with a conditional three additional years. Recommendation: Approval of this contract is recommended.

City Manager Zachary presented Council Members a copy of the proposed contract, he had hoped to get a copy of the contract to the Council in their Agenda packets on Friday. He stated, however, due to some last minute changes this was not possible. He stated actually instead of asking the Council to approve the contract at today's meeting, he would suggest that this meeting be adjourned and considered prior to the Work Session scheduled for Thursday. Brief discussion took place and in response to questioning City Attorney McCormick indicated he feels it is a good contract, that the Civic Center Director and Civic Center Authority have worked hard and he saw no problems in approving the contract as presented by the City Manager at today's meeting. Mr. Jordan moved the contract as outlined be authorized. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REDEVELOPMENT PLAN AMENDMENT PROPOSAL - CD AND PLANNING DEPARTMENTS TO BEGIN WORK

During the last meeting of the Private Sector Housing Committee, Administration was instructed to request the City Council to allow staff to develop the Downtown East/East Side Redevelopment Plan Amendment. It is requested that the City Council authorize the Community Development and Planning Departments to begin the development of the Downtown East/East Side Redevelopment Plan Amendment. The Community Development Director will be available at the meeting to present the reasons for this request and to outline the proposed amendment.

Mr. Jordan moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HUD - 202 PROGRAM - CITY WILL NOT OBJECT

Council Members received in their Agenda packet a letter from HUD regional Greensboro office dated August 4, 1983, relating to NC19-T831-001. This was an application to develop housing for the elderly under the Section 202 Program and includes 40 units to be located at Cross Link Road. Brief discussion took place and Mr. Calloway moved that the Mayor be authorized to write a letter that the City will not object to this proposal. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CABLE ADMINISTRATION BUDGET - AUTHORIZED

City Manager Zachary submitted a budget totaling $75,017 for the Cable Administrator office. He indicated this includes salaries for the Cable Administrator and related items as well as an inspector which will come on board later to inspect the actual laying of the cable. He indicated the salary for the Cable Administrator is partly budgeted in his division. Discussion took place on the source of funds for establishing the budget. City Manager Zachary indicated from what he can understand in the past there has been a hard and fast rule that if there is a 3% cable fee that that 3% could be utilized for whatever the City needs. He indicated if it is a 5% fee then the fee has to be justified to the Federal government and that money can be utilized only for cable expenses. He indicated he understands there is a move at the Federal level to remove the long process that cities have to go through to justify the additional 2%. He indicated in addition to this the City has put the estimated revenue from the 3% franchise fee in our current budget and again explained that a part of the Cable Administrator's salary has been handled in the Manager's division budget. Mr. Zachary indicated he would recommend that the source of funds for the Cable Administrator Division budget be funded from City Council contingency as a supplement to the portion of funds that is currently in the Manager's budget. Discussion took place as to how best this could be handled, the fact that the 3% anticipated revenue is already included in our budget, the process for justifying the 5%, etc. After other discussion Mr. Jordan moved that the Cable Administrator's budget be authorized as outlined by the Manager including the source of funds. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 325 TF 7 and Ordinance 169 TF 3.

DOWNTOWN LOAN POOL COMMITTEE - LOAN AUTHORIZED AS OUTLINED

The Downtown Loan Pool Committee has considered an application from Tenntex, Ltd., which was presented by Raleigh Federal Savings and Loan. Tenntex has purchased the building at 112 Fayetteville Street Mall, and requested a loan through the Loan Pool in the amount of $150,000 with a 15-year amortization schedule and a 10-year call. The Committee approved the terms requested, but added an earnings recapture clause to reduce the call portion of the loan. The clause is to be negotiated by Raleigh Federal, and the completed financing package submitted to all member banks for approval as the provisions deviate from the pool agreement.

City Manager Zachary indicated the subsidy that would be required from the City for a 10-year amortization would be $17,239.22 and, for the 15-year amortization the subsidy would be $19,151.34. Community Development Director Wray indicated when we entered into the agreement with the banks, the City indicated 10-year terms on loans.

He indicated the banks have now suggested the 15-year amortization schedule and his department recommends the 15-year amortization schedule on this loan with the 10-year call with it being pointed out the subsidy would be $19,151.34. Mr. Jordan moved Mr. Wray's recommendation as outlined be upheld. His motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADDENDUM

FIRE DEPARTMENT - TRANSFERS - AUTHORIZED

The Addendum presented a transfer in the amount of $17,416.00 to place funds approved for the hazardous materials response team into proper expenditure accounts. The Addendum outlined the source of funds and the code accounts that the money would be transferred into. Mr. Jordan moved the transfer as outlined be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 325 TF 7.

BILTMORE HILLS SWIMMING POOLS - CHANGE ORDERS G-6, E-2 and G-5 - APPROVED

The Addendum presented change orders relating to Biltmore Hills/Ridge Road pools as follows: G-6 - Clancy and Theys Construction Company - addition of $906.00 relating to weak soil which was discovered during construction of the service drive; Change Order E-2 - a deduction of $1,200.00 relating to the Crocker Electric Company contract as a result of the relocation of basketball courts; Change Order G-5 - Clancy and Theys Construction Company was an addition of $2,412.00 related to unsuitable soil at the original location. The Addendum listed the code accounts that would need to be amended if the change orders are approved. It was pointed out all of these change orders relate to the Biltmore Hills swimming pool location. Mr. Upchurch moved the change orders as outlined be authorized as well as appropriate transfers. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BID REQUEST 83-12 - 300 CAST IRON VALVE BOXES - BID AWARDED TO PYCO SUPPLY COMPANY, INC.

Pursuant to advertisement as required by law bids were received and publicly opened in the Office of the Purchasing Agent on August 11, 1983, for 300 cast iron valve boxes with results as follows: Pyco Supply Company, Inc. - $8,937.00; Davis Meter and Supply - $9,912.00; Hardy-Newsome, Inc. - $16,296.00. Mr. Jordan moved the low bid submitted by Pyco Supply Company, Inc. be awarded. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BID REQUEST 83-13 - WATER METERS - BID AWARDED TO NEPTUNE WATER METER COMPANY

Pursuant to advertisement as required by law bids were received and publicly opened in the Office of the Purchasing Agent on August 11, 1983, for 2,400 water meters with results as follows: Neptune Water Meter Company - $81,840.00; Rockwell International, Inc. - $83,520.00. Mr. Jordan moved the low bid submitted by Neptune Water Meter Company be awarded. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BID REQUEST 83-14 - COPPERSETTERS - BID AWARDED TO CITIES SUPPLY COMPANY, INC.

Pursuant to advertisement as required by law bids were received and publicly opened in the Office of the Purchasing Agent on August 11, 1983, for various sizes of coppersetters with results as follows: Cities Supply Company, Inc. - $23,212.00; Pyco Supply Company - $23,653.00; Davis Meter and Supply Company - $24,709.00. Mr. Jordan moved the low bid submitted by Cities Supply Company, Inc. be awarded. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BID REQUEST 83-15 - LEAF MACHINES - BID AWARDED TO E. F. CRAVEN COMPANY

Pursuant to advertisement as required by law bids were received and publicly opened in the Office of the Purchasing Agent on August 11, 1983, for four leaf machines, less trade, with results as follows: E. F. Craven Company - $55,714.52; North Carolina Equipment Company - $60,700.00. Mr. Jordan moved the low bid submitted by E. F. Craven and Company be awarded. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CENTRAL TRANSFER POINT - CONSULTANT SERVICES - BID AWARDED TO WILBUR SMITH AND ASSOCIATES

The Addendum indicated it is recommended that the City contract with Wilbur Smith and Associates to provide the following:

(1) Design and construction documents for a Central Transfer Facility for the City's Capital Area Transit System;

(2) Schematic design and structural analysis for a 430-space parking garage over part of the Central Transfer Facility (final plans and construction documents will be prepared for the foundations and drainage facilities); and

(3) Plans for the rear portion of the existing structure which will be exposed to public view upon completion of the project.

The cost of these services will be $142,000. This cost has been negotiated downward from the original proposed fee of $168,000. However, the present scope of work and contract cost includes additional items/services not originally included, i.e., (1) final design services for the pedestrian walkway to Wilmington Street, (2) facade treatment at the pedestrian walkway entrance to Wilmington Street, (3) supervision of a required archaeological exploration of the site, and (4) a more detailed analysis and design of the drainage system between the proposed deck and the Central Transfer Point. Recommendation: Approval is recommended.

INOCULATION PROGRAM - AUTHORIZED

The Addendum indicated this item was discussed in Work Session and Administration was to present a proposed program for a City-wide inoculation clinic to the Council. The Police Department has been working with representatives of the County Health Department and the Wake County Veterinarians Association to develop a program. Council Members received in their Agenda packet a program entitled "Animal Control Special Project Number 1". The project cost is $2,308.00 and would cover clinics at 10 different locations. The Addendum indicated that the Police Chief had suggested that the city not have a clinic now but wait for the County clinic in the first quarter of next year. Assistant City Manager Benton indicated he had just talked with the Chief and it appears that the County may not cover the area as the City would like for it to be covered. He stated they are proposing one day in Raleigh at four different sites with two hours each. Therefore, the Chief is recommending going ahead with the proposal as outlined in the Council Agenda packet. Mr. Jordan moved approval of the program as recommended with the understanding that the program would be undertaken as soon as possible. His motion was seconded by Ms. Babb. Mr. Walters indicated ultimately the County Health Department will be responsible. He indicated if there is a case of rabies in Raleigh they will have to take it over. After brief discussion, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 169 TF 3.

Mr. Walters indicated he would hope that the Council would discuss the Animal Control Ordinance in Work Session very soon. He indicated as it stands now people are not able to exercise their dogs in the City of Raleigh without breaking the law. He stated we need to get to work on revamping our Animal Control Ordinance.

ASHE PLACE MOTEL CONDOMINIUMS - REFERRED TO LAW AND FINANCE COMMITTEE

City Manager Zachary indicated this item is being placed on the Addendum to the Agenda for the purpose of Council clarifying the intent of conditions placed on the development of this property. The owner has requested from the Zoning Inspector a written interpretation as to whether or not he could sell these units to college students or their parents and also whether or not investors would be free to purchase and lease these units to students with no limits on the duration of the lease. Council Members received with their Addendum a copy of the excerpt from the minutes of the City Council Meeting held on April 20, 1983. Condition Number 4 which indicates: "that the following uses be prohibited: residential, dormitory, and office except for one office for hotel management purpose." Mayor York indicated he never really understood why that restriction was put on this property to begin with. Planning Director Chapman indicated the condition was placed on the approval pointing out if the property is to be utilized as a residential project per se then different standards for group housing would apply to the development of the property. Mr. Jordan moved that the clarification of conditions placed on Ashe Place Motel Condominiums be referred to the Law and Finance Committee. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

MUNICIPAL BUILDING - RELOCATION OF PERSONNEL AND PARKING DURING PARKING DECK CONSTRUCTION - FUNDS APPROPRIATED - MAYOR AUTHORIZED TO SIGN AGREEMENTS

Assistant City Manager Benton indicated the construction of the Municipal Building parking deck should begin in September and will require the relocation of several municipal operations presently located on the northern half of the Municipal Block. He indicated this will include the Police locker room, Police supply room, Crime Prevention, Community Relations Office, Internal Affairs Offices, Purchasing Division supply room, Municipal Building shop and storage presently located in the bus terminal building, Police Service Center, Administration and Police parking spaces and storage. He indicated the Police Field Operations functions presently located in the bus terminal and the Municipal Building plus the storage functions and corresponding should be moved away from the Municipal Building vicinity. He stated there are several sites being considered and final arrangements have not been made, however, at this point, because of timing, Administration recommends that the Council authorize Administration to negotiate a lease agreement for rental of appropriate space for office functions as well as administrative needs as it relates to parking. It was indicated that it is felt that this would run in the vicinity of approximately $45,000.00. Assistant City Manager Benton indicated bids are to be taken on August 24, for the parking deck and because it will be three weeks until the Council meets again he would request that Administration be authorized to negotiate a lease agreement for the necessary office space and parking. Mr. Benton presented Council Members with information on the budgetary action that would be needed. Mr. Edwards moved Administration's recommendation be upheld. His motion was seconded by

Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 325 TF 7.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

ELECTIONS CONTRACT - MAYOR AUTHORIZED TO SIGN

City Attorney McCormick indicated the contract with the Board of Elections to conduct the Municipal elections has been referred to the Law and Finance Committee. He indicated he was trying to negotiate the hold harmless agreement which was included in this contract. He stated, however, because of timing, the Mayor had gone ahead and signed the contract and it has been forwarded back to Wake County. Therefore the item should be removed from the Law and Finance Committee. Without objection this was agreed to.

REPORT OF MAYOR AND COUNCIL MEMBERS

CERTIFICATES OF APPOINTMENT - FRAMING AUTHORIZED

Mayor York indicated there has been some interest expressed in the City Council having the Certificates of Appointment framed for their presentation. He indicated research reveals that approximately 165 certificates were given out during the last year. He indicated the Council Secretary had done some pricing and found that we could buy a nice frame for approximately $6.63. He suggested the City Council appropriate $1,500.00 from Council Contingency to allow for the purchase of the frames for framing the Certificates of Appointment. Mr. Edwards indicated a lot of people had mentioned this to him also and he feels it would be very appropriate, therefore, he would move that the Mayor's recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Walters indicated he would have to object as he does not feel it is a wise use of taxpayers' money. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 169 TF 3.

PLANNED PARENTHOOD - REQUEST FOR FUNDING - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mayor York indicated he had received a letter from representatives of Planned Parenthood of Greater Raleigh requesting funding of $15,000.00 for educational services. He stated he would like for the Law and Finance Committee to study this request. Without objection the item was referred to the Law and Finance Committee.

LOBBYING AND PROMOTION OF THE CITY OF RALEIGH - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mayor York indicated Council Members had received a memo from the City Attorney relating to lobbying and promotion of the City of Raleigh. He indicated the memo outlines steps that the City should consider such as Research and Information preparing a welcoming packet of information, the City sponsoring a reception and membership in the Capital City Club all to help welcome members of the General Assembly. He indicated he feels the memo has some very good points and while he doesn't feel the Council should try to work it out today he would suggest referring the Attorney's memo to the Intergovernmental Committee and let the Attorney work with them on improving our lobbying effort. Without objection or comment the matter was referred to the Intergovernmental Committee.

PERSONNEL - LETTER OF COMMENDATION - NOTED

Mayor York indicated he had received a letter from the administrator at Holly Hills Hospital commending the excellent cooperation and assistance provided to them by staff of the Inspections Division particularly Larry Strickland, Hardy Watkins and Ann Adams. Mayor York indicated this is great. He pointed out the letter indicates at a time when so many individuals complain about the bureaucracy these individuals provided friendly, competent service that minimized any problems one might normally expect from a bureaucratic office. Mayor York indicated he was happy to receive the letter and particularly wanted to take the opportunity to point out that the City of Raleigh is a service organization and all items should be handled in that manner. The City Clerk indicated she would like to claim one of the employees - Ann Adams who works in the Clerk's Office rather than the Inspections Division.

FALLS LAKE - DURHAM RESOLUTION - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mayor York indicated Council Members had received copies of the City of Durham's resolution relating to steps they plan to take in connection with Falls Lake. He indicated this matter is in Public Works and without objection he would refer the information received from Durham to the Public Works Committee.

COUNTY PROPOSALS RELATIVE TO RELOCATION - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mayor York indicated the County plans to purchase property and relocate some of its offices away from Downtown Raleigh. He indicated this has been responded to by Administration but he would like for the Intergovernmental Committee to study the items with a recommendation back to Council. Without objection, the item was referred to the Intergovernmental Committee.

SALES TAX - CITY COUNCIL TO SUPPORT WAKE COUNTY IMPLEMENTING THE ADDITIONAL TAX

Mayor York indicated the County Commissioners held a hearing yesterday to discuss recent legislation which would allow a new one half cent sales tax. He indicated the City of Raleigh has not taken a position, however, the City did lobby for additional revenue sources from the State. He indicated he feels it would be appropriate for the City to take a position. Mr. Walters indicated he feels that the law was enacted very hastily at the end of the General Assembly session. He stated he felt the County acted very wisely in delaying action on implementing the additional sales tax in Wake County. He indicated there is a great difference of opinion on whether this is needed and he would be reluctant to take a stand at this point, pro or con. Mayor York indicated he generally favors the additional sales tax pointing out it is something that the City did lobby hard for, that is new sources of revenue. He pointed out if the City does not take a position then that in itself is a position. Ms. Babb indicated she had given this a great deal of thought. She pointed out the North Carolina League is in strong support of the additional sales tax. She stated she believes that the City Council should go on record as supporting the one half cent additional sales tax for Wake County. She indicated she feels that this is needed for the City of Raleigh but it is also needed in alliance with other areas of Wake County and she would be in support of the Council supporting the proposal. Mr. Edwards indicated he basically supports the proposal but there are some questions of whether if enacted in Wake County we would be moving money out of the County. He stated he would like an opportunity to study the proposal a little further. After lengthy discussion, Ms. Babb moved that the City Council endorse this concept and let the County Commissioners know this. Her motion was seconded by Mr. Jordan. Mr. Walters indicated he would have to vote against it pointing out a committee he is on of the NC League has not endorsed. He indicated that just because the State jumped into something that the City should not do the same. He indicated the way the law is written it does encourage large counties to be against it and smaller counties to be for it. Ms. Babb indicated she has a different analysis of how the bill was passed. She indicated it was passed at the end of the session but it was the result of a lot of long argueous sessions and she is ready to vote on it. Mayor York indicated he feels it would be well for the City to go ahead and approve the concept today pointing out however, it is up to the County to make the decision. After lengthy discussion on the pros and cons of the bill, how it was passed, how it will be distributed with various Council Members voicing their opinion took place. The fact that many counties will go to referendum and the timing involved was also discussed. How the money will be distributed was discussed and various Council Members voiced their feelings relative to the distribution. After lengthy discussion Ms. Babb restated her motion to move that the City Council recommend to the County Commissioners that they enact the one half cent sales tax. Her restated motion was seconded by Mr. Jordan and after discussion put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Upchurch. The Mayor ruled the motion adopted.

GORMAN STREET - COMMENTS MADE

Mr. Keller indicated he is very happy to see the Gorman Street connector open. He stated everyone is enjoying it and is looking forward to getting it opened all the way to the Wade Avenue connector. The comments were received.

ENCROACHMENT REQUEST - SHAW UNIVERSITY - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Calloway indicated Shaw University has completed the International Studies building on their property in the vicinity of the Blount, Smithfield, Wilmington Streets area. He indicated they are in the process of fencing the property and explained there is a small portion of property at the intersection of Smithfield and Wilmington Streets that belongs to the City. He indicated they would like the opportunity to fence the entire block. He stated the immediate concern or request is that Shaw University be authorized to fence the entire block by encroaching on City property and the long-term request is they be allowed to negotiate with the City to acquire this portion of City right-of-way at Smithfield and Wilmington Streets. City Manager Zachary indicated this is urban renewal land and there are some encumbrances that should be looked into prior to authorizing an encroachment. Mr. Jordan moved that the request to encroach on City right-of-way by Shaw University be referred to the Law and Finance Committee and that the Law and Finance Committee be granted authorization to make a final decision. His motion was seconded by Mr. Calloway and after brief discussion put to a vote which passed unanimously.

WORK SESSION - AUGUST 18, 1983 - CANCELLED

Mr. Calloway pointed out there is only one item on the Work Session scheduled for Thursday. He moved that the Work Session scheduled for August 18 be cancelled and that item placed on the September Agenda or a later Agenda. His motion was seconded by Ms. Babb. Mr. Walters questioned why we should cancel the Work Session and after brief discussion the motion as stated was put to a vote and passed unanimously.

GREENWAY COMMISSION - REQUEST FOR ACQUISITION OF PROPERTIES - REFERRED TO REAL ESTATE COMMITTEE

Mr. Walters indicated Council Members received a memo from the Sessions Reporter relating to Greenway Commission - Acquisition of Properties. He indicated this involved the Commission's work along Walnut Creek in East Raleigh and the need to purchase four properties: E. Freemont and D. F. Mendenhall, Willie Lee Lupkin, Jr., C. C. Thomas and Will Hudson, Ltd. He indicated the Greenway Commission also

requested the City Council to look at the feasibility of purchasing an easement through the following properties: Summerfield North Subdivision and Barton's Landing. Mr. Walters moved that the Greenway Commission's request be referred to the Real Estate Committee. His motion was seconded by Mr. Jordan and passed unanimously. The Mayor ruled the motion adopted.

CIVIC CENTER - COMMENDED

Mr. Walters indicated he was recently involved in a convention at the Civic Center which had over 13,000 people attending. He indicated the Civic Center staff did a tremendous job in handling the convention and everyone was very well pleased.

COLLECTOR STREET - DESIGN CRITERIA - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Edwards requested that an item entitled "Design Criteria for Collector Streets" be referred to the Public Works Committee. Without objection the item was so referred.

SEWER USE ORDINANCE - PINE STATE - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Edwards requested that an item relating to the Sewer Use Ordinance and a letter received from Pine State be referred to the Public Works Committee. Without objection the item was so referred.

TAPE RECORDINGS OF COUNCIL/COMMITTEE MEETINGS - CLERK'S RECOMMENDATION - UPHELD

Mr. Upchurch indicated Council Members received a memo from the City Clerk suggesting that the City Council discontinue the tape recording of all City Council committee meetings but continue tape recording the official City Council meetings, Board of Adjustment and Civil Service Commission meetings. He indicated the Clerk's memo had stated there will be occasions, however, when special items come before committees and there would be a need to record them but this would be on a case-by-case basis. He stated this would save many dollars in tape costs as well as free up valuable storage space according to the Clerk. Mr. Upchurch moved that the Clerk's recommendation relative to recording of Council meetings as outlined be upheld. His motion was seconded by Ms. Babb and passed unanimously. The Mayor ruled the motion adopted.

SEWER PACKAGE PLANTS - ETJ - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch indicated the County has a program of monitoring package plants in the ETJ. He stated he would like to refer this item to the Intergovernmental Committee for discussion. Without objection the item was so referred.

BELTLINE TRAFFIC - REROUTING - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch indicated during the July 19, Council Meeting he asked Administration to contact the State about the possibility of rerouting U. S. 1 onto the southern leg of the Beltline. He indicated he had received a memo from the Transportation Director relative to this request and he would like to refer that response to the Intergovernmental Committee. Without objection the item was so referred.

REPORT OF CITY CLERK AND TREASURER

MINUTES - AUGUST 2 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the August 2, Council Meeting and zoning hearing. There being no corrections Mayor York announced the minutes approved as presented.

AR-998 - GORMAN STREET - RESOLUTION ADOPTED

The City Clerk indicated Council Members received a copy of AR-998 relating to water installation on Gorman Street. The Clerk recommended adoption of the preliminary assessment roll which would set a public hearing to consider confirmation of costs during the September 20, 1983, meeting. Mr. Walters moved the Clerk's recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1983) 327

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 998

WHEREAS, by Resolution No. 1982-909 adopted by the City Council on May 4, 1982 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 900 feet of 8-inch water main in Gorman Street from existing curb and gutter north of Kings Court, northward to existing curb and gutter.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $16,551.11.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Caroilna Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Dan C. Austin & K. Neal Hunt	1	0115611		275.08	$2,536.24
Hunters Creek Dev. Corp.	2	0028128		679.59	6,265.82
Dan C. Austin & K. Neal Hunt	3	0115611		194.39	1,792.28
Hunters Creek Dev. Corp.	4	0028128		646.07	5,956.77

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 998 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 20th day of September, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted 8/16/83

SUBDIVISION S-51-83 - CORNWALLIS SQUARE OFFICE CONDOMINIUMS - CORRECTION AUTHORIZED

The City Clerk indicated Cornwallis Square Office Condominiums was approved by the City Council on May 17, 1983. The minutes of that meeting reflect that the Council approve the project for 16 units in four buildings. The officially adopted plan and the applications show the project contains 32 units. The conflict occurred as the Certified Recommendation from the Planning Commission contained a figure, 16 units, even though the map and application showed 32 units. No requirements of the Subdivision Code or other ordinances are affected by this different number. However, to insure consistency and correctness it was recommended that the May 17, 1983, Council minutes be amended to reflect that this is approval to construct 32 office condominiums. Brief discussion took place and Mr. Walters moved the correction as outlined by the Clerk be authorized. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor moved the motion adopted.

ADJOURNMENT

There being no further business Mayor York announced the meeting adjourned at 3:40 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk and Treasurer

ae/Counc

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, August 16, 1983, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and the following items were discussed with action taken as shown:

REQUESTS AND PETITIONS OF CITIZENS

UNSAFE BUILDING - 809 EAST HARGETT STREET - REFERRED TO LAW AND FINANCE COMMITTEE

George L. Foxwell, 1807 Charles Street, was at the meeting to explain problems relating to the house at 809 East Hargett Street. He indicated about two years ago it was found that the house needed some repairs and he went to the Housing Assistance Agency and has been working with them since that time. He indicated each time he got a notice he would call the Housing Assistance Agency and they said they would take care of it. He indicated now he had received a letter from Mr. Bartholomew indicating the house was to be demolished. He pointed out he went to the Community Development Department and talked to Ms. Moore about utilizing CD funds and they have paid the fee and are trying to get the house remodeled through Community Development funds. City Manager Zachary indicated there is an outstanding bid for demolition of this house. He pointed out, however, the purchase order hasn't been released. He indicated the Inspections Division has no problems in holding up demolition since the gentleman has applied for CD funds but they would request that the structure be boarded up. Mayor York questioned how much time Mr. Foxwell would need with Mr. Foxwell indicating it would depend on when he could get the money through the CD Department. Brief discussion took place and Mr. Jordan moved that the unsafe building at 809 East Hargett Street be referred to the Law and Finance Committee with the understanding that the property owners would board it up while the item is being studied. The motion was seconded by Mr. Keller and passed unanimously. The Mayor ruled the motion adopted.

ADMINISTRATIVE POLICY - REQUEST OF RALEIGH-WAKE CITIZENS ASSOCIATION - SOUTHEAST RALEIGH DEVELOPMENT PLAN REFERRED TO COMPREHENSIVE PLANNING COMMITTEE, OTHER ITEMS REFERRED TO LAW AND FINANCE COMMITTEE

Bill Windley, representing the Raleigh-Wake Citizens Association, was at the meeting to discuss future administrative policies of the City of Raleigh in various areas. Mr. Windley presented the following prepared statement:

"Mayor York and Members of the Council, let me express my thanks to you for the opportunity to address you tonight, and to convey our thanks for the sensitivity and support you have demonstrated in the past on matters of concern to us.

The City of Raleigh, the Capital city, has set the pace in many areas for other cities to follow, and must continue to fit into this role as the Capital city and pace setter. This perception of City Hall will aid immensely in instilling pride and cooperation.

I speak tonight representing The Raleigh Wake Citizens Association. I solicit your understanding and support for the following issues.

1. The cities of Charlotte, Winston-Salem and Durham, each has a Black Assistant City Manager. The Capital City should also be a leader in setting the pace in this regard. In that there will be a vacancy in the position of an Assistant City Manager soon, we feel that this is an opportune time to move affirmatively in the employment of a Black Assistant City Manager and solicit your leadership and support in this effort.

2. In the area of affirmative action, the city's 1983 second quarter report indicates little improvement in the categories of Officials/Administrators; Technicians; and paraprofessionals. Of 54 Officials/Administrators 4 are minorities for 7% and 6 are females for 11%. Of 8 paraprofessional positions, there are no minorities for 0%. We solicit your leadership and support for increasing all underutilized categories consistent with the work force parity.

3. Development of Southeast Raleigh. First let me commend you on what is being done in terms of neighborhood rehabilitation. There is evidence district-wide of efforts being made to improve the living standards and visual beauty. Progress is being made, however, there remains much to be done to replace sub-standard housing and achieve parity with other districts in the city.

It is important that the Council make a strong committment to continued priority for neighborhood rehabilitation in Southeast Raleigh in order to move neighborhood and Sections from a blighted, depressed condition to one of visual beauty and standard living conditions.

The completion of the beltline, hopefully, will generate residential and commercial growth to Southeast Raleigh just as the beltline around the northern section spurred growth.

We make the following recommendations regarding the Development of Southeast Raleigh.

1. That the Council encourage the development of residential housing and commercial facilities in Southeast Raleigh.

2. That the city direct more money to Southeast Raleigh to enhance improvement.

3. That the city provide incentative to attract developers to Southeast Raleigh.

4. That there be clear boundaries established between residential and industrial use areas, using the Focus Area Concept.

5. That a favorable resolution come forth regarding the Council Committee on police affairs.

Your understanding and support for the issues addressed is appreciated."

Mayor York pointed out there is a public hearing scheduled for the Southeast Plan on September 6, and he feels that the items relating to the Southeast Plan would be taken into consideration at that point. He indicated he would encourage Mr. Windley to make those comments at that public hearing. He stated as far as the comments relative to the Police Affairs Committee that the Special Committee on Police Affairs is working on a recommendation and he hopes that will be forthcoming. He stated as far as the comments relative to the Assistant City Manager that he feels that Assistant City Manager Benton will approach this matter with an open mind. He stated the City is working on the Affirmative Action Program.

Later in the meeting Mr. Calloway indicated he would request that the matters relating to Affirmative Action and selection of the Assistant City Manager be referred to the Law and Finance Committee for monitoring and the comments relative to the Southeast Raleigh Development Plan be referred to the Comprehensive Planning Committee. Without discussion, the items were so referred.

BED AND BREAKFAST INNS - REQUEST FOR CODE PROVISION - REFERRED TO LAW AND FINANCE COMMITTEE

Oakley L. Herring was at the meeting to request the Council to amend Code Section 10-2073(c)(24) to exclude bed and breakfast inns or to write a new code which would allow bed and breakfast inns. Mr. Herring, a resident at 400 Polk Street, explained that he tried to open a bed and breakfast inn and was turned down by the Board of Adjustment. He indicated he was not at the meeting to argue the merits of that case but wanted to point out this is a growing kind of accommodations throughout the United States for elderly people and honeymooners especially. He stated he does not feel that this type of accommodation should have to compete with rooming houses, tourists, etc. as far as where to locate. He indicated a bed and breakfast inn is one in which a breakfast is included in the room rate. He indicated they would be serving only one meal each day. He stated he feels that these inns should be allowed in Residential-10 pointing out most of the bed and breakfast inns that they visited in preparation of trying to open the one in Raleigh were historic homes in historic type neighborhoods and most of the people who frequent them are people who are interested in preservation. He indicated he would like to see the City Council direct the City Attorney to draft an ordinance that would allow bed and breakfast inns or amend the present ordinance so that they would not have to compete with tourist homes, etc. He indicated he feels there should be certain restrictions such as sufficient off-street parking, someone on the premises 24 hours a day, etc. He indicated he would like to see this type proposal go to public hearing pointing out they have received support City-wide, State support, etc. He indicated he feels this type facility would be a tremendous drawing card to Raleigh pointing out they had already had great interest expressed in their facility. Mr. Jordan suggested that this matter go to the Law and Finance Committee indicating he felt that we could work something out on this issue and resolve the question. Mr. Walters agreed pointing out people all over Raleigh were looking forward to this facility opening with Mr. Herring indicating that is correct. He pointed out people with the State Tourist Office and the Art Museum had already called wanting to book reservations and they had already booked several things but pointed out this was their error in moving ahead before they got all of the approvals. After brief discussion without objection the item was referred to the Law and Finance Committee.

SUBDIVISION S-92-82 - MOFFITT SUBDIVISION - REFERRED TO PUBLIC WORKS COMMITTEE

B. J. Moffitt, 615 Lake Boone Trail, was at the meeting and explained on August 3, 1982, the City Council approved Subdivision S-92-82 with the following conditions: (1) All lots receive access from Brooks Avenue; however, Lots 2 and 3 may have a joint driveway; and (2) that all legal documents for the said joint driveway are recorded prior to the recording of Lots 2 and 3.

Mr. Moffitt indicated this was a nine lot subdivision and he has sold off four of the lots which leave five unsold. He indicated Lot Number 1 has been approved for a driveway, etc. and they have a 25 foot plus access easement. He indicated in order for Lots 2 and 3 to have a joint driveway he will have to build a bridge across Beaver Dam Creek and the cost would make the project economically infeasible. He

stated he would like to use the drive for Lot Number 1 and use this as access to the other lots. He stated if necessary, he could cut down on the number of lots in order to avoid constructing this bridge. He indicated he feels that this condition was placed on the approval because some of the neighbors objected to a driveway as they did not know what would be constructed. He stated he does not think there will be any traffic problems and the driveway would be 50 feet from the nearest house.

City Manager Zachary indicated he did have a report from Planning on this and he did not feel it could be settled tonight. He indicated as he understands it the way the subdivision was approved in 1982, it would require a bridge. He stated various alternatives were discussed during the Planning Commission but they were not accepted. Brief discussion took place with Mr. Edwards pointing out he remembers this subdivision very well and he would suggest that the request to relieve the conditions on Subdivision S-92-82 be referred to the Public Works Committee. Without objection the item was so referred.

DRAINAGE AND SOIL EROSION PROBLEM - GORMAN STREET AREA - TO BE PLACED ON THE NEXT AGENDA

Gertrude Pope indicated she was representing her sister's family, Mr. and Mrs. Robert Hooker and Mr. and Mrs. Russell Cobb who live at 600 and 604 Gorman Street. She indicated as a result of some construction on Gorman Street they are having some problems with soil erosion and drainage. She indicated she had talked to some of the construction workers and then Attorney Perry Safran contacted the construction company. She indicated City employee Harry Mitchell had gone out and talked with the contractor and she is glad to hear that some relief is coming their way. She stated, however, they would like this in writing or would like for this item to be referred to a committee until the problem is resolved. City Manager Zachary indicated the construction activity is three quadraplexes being built by Barry Martin. He explained that the Inspections Division has gone out and checked the area and they indicate that Mr. Martin is proposing to redirect the water through a new swale cut inside the east property line. City Manager Zachary indicated the Inspections Division will follow through to make sure that this work is done. Brief discussion took place and by general consensus it was agreed to place this item on the next Agenda for a report from Administration.

SIDEWALK CONSTRUCTION - DOVER ROAD - APPROVED - VARIANCE GRANTED

Broxie J. Nelson, representing White Memorial Presbyterian Church located at 1704 Oberlin Road, was at the meeting to request that the City Council waive its sidewalk extension policy for the purpose of allowing White Memorial Presbyterian Church to install a sidewalk from the existing pavement on the north side of Dover Road, near the church parking lot, to the west side of Oberlin Road, at Dover Road intersection. He indicated this would be on existing City right-of-way and would be at the expense of White Memorial Church. He indicated they feel that this is needed for the purpose of improving pedestrian traffic flow and safety and encouraging the use of the parking lot instead of on-street on Oberlin Road. He indicated he understood there is sufficient City right-of-way to accomplish the sidewalk extension adjacent to the home of C. S. Manooche. He indicated White Memorial proposes to pay for the cost of the sidewalk extension either by contracting for the work itself or by reimbursing the City for contracting for the sidewalk extension.

Mayor York indicated this sounds like a very good idea and questioned why the item is before Council. Chief Engineer Thomas indicated the City does have a policy of not allowing sidewalks on less than one full block and with what is being proposed a permit would not be issued as it is less than a full block. He indicated Mr. Nelson is requesting a variance from this policy. Brief discussion took place and Mr. Edwards moved Mr. Nelson's request as outlined be authorized. His motion was seconded by Mr. Upchurch and passed unanimously. The Mayor ruled the motion adopted.

EASTER SEAL SOCIETY - THE SAFE HALLOWEEN - FREE RIDES AT PULLEN AND CHAVIS CAROUSELS - APPROVED

Buff Arrington, Field Representative for the Easter Seal Society, indicated they are planning a Halloween promotion for the triangle area for the entire month of October. She indicated the promotion which will be called "The Safe Halloween" is a community service coupon promotion. She indicated they are hoping with this project to rebuild safety into Halloween. She stated a coupon booklet is being developed to carry 10 coupons of various product offers from 10 area businesses that can be given out as Halloween treats in lieu of candy. She indicated they are asking for the City to give free carousel rides at Pullen Park. She indicated they anticipate selling some 2,000 booklets but pointed out the redemption rate is only about 10%. She indicated the booklets will sell for approximately $1.00 and will be distributed between participating businesses as well as volunteer clubs in the Triangle area. Mayor York indicated the only problem he sees would be waiving it for one type of activity and not another. Ms. Arrington explained various companies that will be participating. Mr. Calloway questioned how long the coupons would be valid for with Ms. Arrington indicating it would be up to the City Council, that they could set the valid dates. After brief discussion, the fact that Administration has no objections, it is a City Council policy question, etc., Mr. Upchurch moved approval of the use of a coupon for a free ride at Chavis and Pullen Carousel for the month of November. His motion was seconded by Mr. Calloway and after brief discussion a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PRIVATE BUS SERVICE PERMIT - WOLFLINE - PUBLIC HEARING AUTHORIZED FOR SEPTEMBER 6: OPERATION AUTHORIZED TO BEGIN AUGUST 30

The Agenda pointed out an application has been received from Yellow Cab Company of Raleigh, Inc. for a private bus service permit known as Wolfline. If the Council so desires, the next step would be to authorize a public hearing on September 6, 1983 to consider the application. Mayor York indicated Council Members received a letter from Yellow Cab Company relative to a problem they have with the timing. City Manager Zachary indicated the application is for a permit to continue providing the Wolfline service under contract to NCSU. The company has also requested that they be allowed to tentatively begin providing this service on August 30, which would be one week in advance of the earliest date City Council could authorize the private bus permit. The ordinance states that the City Council will call a public hearing after which a decision will be made. The hearing could be called for September 6, however, the contract calls for Yellow Cab to begin the service on August 30. City Manager Zachary indicated the City DOT recommends that the City Council authorize Raleigh Transportation Service to tentatively begin providing the Wolfline service in advance of the formal public hearing and consideration by Council. He indicated they are making this recommendation based on the fact that the service in question was provided during all of the 1982/83 school year by this company under the Grandfather clause of the ordinance in question. Brief discussion took place and Mr. Upchurch moved that the Department of Transportation's recommendation be upheld and that Yellow Cab Company be authorized to begin the service on August 30, and the public hearing authorized for September 6, 1983. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

DURANT TRAIL SUBDIVISION - STORM DRAINAGE REQUIREMENTS - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor York indicated he has not been participating in voting on this item. He stated he would preside over the presentation but would not vote.

Glen Barwick, representing Triangle Engineering, indicated when Durant Trail Subdivision was approved there were some stipulations placed on the approval relating to the storm drainage requirements for the protection of Camp Durant. He indicated there is substantial disagreement about what was meant and needed as the staff is indicating they should use permanent retention basins that will wipe out three lots of the subdivision. He indicated they feel there are some better ways to address the issue. Brief discussion took place and Mr. Edwards moved that the request for clarification on storm drainage requirements relating to Durant Trail Subdivision be referred to the Public Works Committee. His motion was seconded by Mr. Calloway and passed unanimously. The Mayor ruled the motion adopted.

TELECOMMUNICATIONS TOWER - WINDEL DRIVE AREA - PUBLIC HEARING AUTHORIZED

An application has been received to construct a 120-foot telecommunications tower, four 8-feet satellite dishes, and equipment facility building on property located on Windel Drive. The application relates to Cablevision's expanded cable television service to the City. The next step if the Council so desires, would be to authorize a public hearing for the September 6, 1983, Council Meeting. Mr. Upchurch moved the public hearing be scheduled as recommended. His motion was seconded by Mr. Calloway and passed unanimously. The Mayor ruled the motion adopted.

PARKS AND RECREATION PROGRAM RELEASE - NO ACTION TAKEN

Stephen Smith had requested permission to discuss the release that the City requires parents to sign for children attending City programs. This City Clerk reported Mr. Smith would not be at the meeting tonight and the item would be rescheduled when he so requests. Therefore, the item was removed with no action taken.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None

MATTERS SCHEDULED FOR PUBLIC HEARING

COMMUNITY DEVELOPMENT ACTIVITIES - PUBLIC HEARING RELATING TO PAST YEAR'S PERFORMANCE - HELD

This was a hearing to give citizens an opportunity to express their views of the past year's performance of Community Development activities in the City of Raleigh. Ernestine Lynch of the Community Development Department presented Council Members with information on the Community Development activities for the period July, 1982, through June, 1983 relating to rehab loans and grants, acquisition and disposition, relocation, demolition, code inspections, Public Works, public service, rehab for resale, property management, economic development, urban renewal, support costs, planning costs, and administration. The total expenditures were $1,953,338.00. She indicated the information presented did not represent all of the rehab loans as the City of Raleigh also underwrote leveraging funds. She indicated the rehab for resale is one of the most popular programs and the leveraging loans amount is not included in the total dollar of activities as presented. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. In response to questioning, Community Development Director Wray explained this closes out the program for the past year and the information will be sent to HUD. He indicated next year's application would be forthcoming later.

PU-1983-11 - WINTHROP DRIVE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of an 8-inch sanitary sewer main in Winthrop Drive with assessment on the per lot basis to apply. Public Utilities Director Butler explained the projects. The hearing was open to the public. Tom Olds questioned the acreage fee and tap on and questioned if the property owners are having to pay anything for the big line that was installed in Hare Snipe Creek. Public Utilities Director Butler explained the acreage and tap on fees and the fact that the assessments are payable over a 10 year period but acreage and tap on fees are due when the property owner connects to the line. The resident at 6209 Winthrop indicated when this area was under consideration for annexation there were some elaborate plans to put the line in the back of the property lines, if there was any study and why that has been changed. This was discussed briefly. No one else asked to be heard thus the hearing was closed. Mr. Edwards moved adoption of a resolution directing PU-1983-11 as advertised. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1983-328

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEMS OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost therof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Caroilna:

a. PU 1983-11 - Installation of 680 feet of 8-inch sanitary sewer main within Winthrop Drive beginning at existing manhole just east of Dodsworth Drive, stopping short of Braddock Drive. (Assessment on a per lot basis to apply.)

b. PU 1983-13 - Installation of 2,400 feet ± of 6-inch water main within the street right-of-way of Hinton, Hunter and Lilac Streets. (Assessment on front foot method to apply.)

c. PU 1983-15 - Installation of 3,950' ± of 24 inch ductile iron water main along U. S. No. 1 beginning at the southern property line of Kerr Drugs southward to the northern property line of Smoketree (Parcel 328-2). (This property is outside City Limits; fee in lieu of assessment at the time of tap on.)

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: (See above.)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 8/16/83

PU-1983-12 and 13 - INSTALLATION OF WATER AND SEWER MAINS: PU-1983-12 - REFERRED TO PUBLIC WORKS COMMITTEE; PU-1983-13 - RESOLUTION ADOPTED

This was a hearing to consider the installation of an 8-inch sewer main within Lynn Road, Hinton, Hunter and Lilac Streets and associated easements with assessment on the front footage basis in rights-of-way and abutting frontage in easements known as PU-1983-12. PU-1983-13 is the installation of a 6-inch water main within street rights-of-way of Hinton, Hunter, and Lilac Streets with assessment on the front footage basis to apply. Public Utilities Director Butler explained the projects. The Mayor opened the hearing on the two proposed utility projects.

A representative of Louis E. Wooten, Jr., indicated they are opposed to the location of a section of the proposed sewer line to serve the southwest corner of Lynn and Creedmoor Road pointing out the section he opposes is along the rear portion of the City-approved Lots Number 256, 257, 258, 259, 260 and a portion of 261. The letter indicated they had just received the City's plan in the past week and have not had time as yet to propose an alternate plan. They requested that the sewer line location be referred to the Public Works Committee in order for their engineer and the City Engineer to work out a location on the small section of line indicating they felt it would be less costly to the City and to Glen Forest Corporation.

James Turner indicated he lives on Hunter Drive. He stated he owns two acres of land and has a house and trailer on this land. He stated they have water and septic tanks. He pointed out if the street is opened up, it will take a lot of land. Mr. Butler indicated they would not be using any additional street right-of-way for these projects.

Gladys Moore indicated she owns land in this area and did not receive notification of the hearing. She questioned where the lines would be run if they would come on the front or the back of her property. She indicated she was taken into the City on July 1 of last year and got a tax bill for the full year and has already received another. The City Attorney explained the tax cycle and the fact that taxes are billed on a fiscal year rather than calendar year. She indicated she lives at 6153 Jeffrey's School Road according to the Post Office but the sign on the street says Loop Road. She questioned what she got for her City taxes. David Jenkins indicated he and his mother live on a corner lot on Lilac Road and he wondered how much easement would be needed for these lines. Minnie Bridgers, 6225 Creedmoor Road, indicated she has been paying taxes over a year now and is not getting anything for her tax money but garbage collection. She stated they finally got a light about six weeks ago. She questioned when they are going to get water and sewer pointing out she wanted it. No one else asked to be heard thus the hearing was closed. Mr. Edwards indicated there seems to be no problem with PU-1983-13, the installation of the water line, therefore, he would move adoption of a resolution authorizing the project and PU-1983-12, the related sewer project, be referred to the Public Works Committee. His motion was seconded by Mr. Upchurch and passed unanimously. The Mayor ruled the motion adopted. See Resolution 328.

PU-1983-15 - U. S. 1 NORTH - HEARING - RESOLUTION DIRECTING PROJECT - ADOPTED

This was a hearing to consider the installation of approximately 3,950 feet of 24-inch water main along U. S. 1 North beginning at the southern property line of Kerr Drugs, southward to the northern property line of Smoketree with assessment on the front footage of property abutting the extension. It was pointed out this property is outside the City Limits, fee in lieu of assessment at the time of tap on would apply. Public Utilities Director Butler explained the project. The Mayor opened the hearing to the public.

John W. Graham, 100 East Six Forks Road, indicated he was representing the heirs of the A. J. Honeycutt estate. He stated they own about 1,700 feet and as they understand the proposal his clients will not be assessed until they are annexed into the City or tap on. He stated his clients support the project and the concept of extending water and sewer to the Perry Creek area. J. F. Hardy indicated he owns 525 feet on the west side. He questioned the tap on fee and when the sewer is expected. The assessment rate and the tap on fee was explained. Mr. Butler indicated he had no projection as to when sewer is expected in the area. No one else asked to be heard thus the hearing was closed. Mr. Edwards moved adoption of a resolution directing PU-1983-15 as advertised. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 328.

SIDEWALK ASSESSMENT ROLL 1983 - GARDNER STREET HEARING - RESOLUTION ADOPTED

This was a hearing to consider confirming charges for the installation of sidewalks on Gardner Street according to charges outlined in Resolution 1983-293 adopted on July 19, 1983. The hearing was opened to the public. Jim Quinn indicated he was glad the sidewalks are there and he has no problem with the charges. He presented photos showing the driveway to a vacant lot next to his home owned by him that was put in according to standards. He indicated the photos show that the sidewalk is not parallel to the streets nor does it maintain the same setback. He indicated when the City confirms the charges for the sidewalk he would also like for them to confirm the location of the sidewalk as he does not want to be required to relocate a sidewalk if he ever decides to build on this vacant lot. Chief Engineer Thomas explained that part of the sidewalk was existing and the City just tied in to what was there. No one else asked to be heard thus the hearing was closed. Mr. Edwards moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:25 p.m. See Resolution 329.

PAVING ASSESSMENT ROLL 683 - PERSHING ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing confirming charges for the installation of curbs, gutters, and drains and paving on Pershing Road according to charges outlined in Resolution 1983-296 adopted on July 19, 1983. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Mr. Upchurch moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:26 p.m. See Resolution 329.

PAVING ASSESSMENT ROLL 682 - PEARTREE LANE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider confirming the cost for the installation of curbs, gutters, drains and paving on Peartree Lane according to charges outlined in Resolution 1983-295 adopted July 19, 1983. The Mayor opened the hearing to the public. No one asked to be heard thus the hearing was closed. Mr. Upchurch moved adoption of a resolution confirming the charges as outlined. His motion was seconded

by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:27 p.m. See Resolution 329.

PAVING ASSESSMENT ROLL 681 - LEXINGTON STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider confirming the charges for the installation of curbs, gutters, and drains and paving on Lexington Street according to charges outlined in Resolution 1983-294 adopted on July 19, 1983. The hearing was open to the public. No one asked to be heard thus the Mayor ruled the hearing closed. Mr. Upchurch moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:28 p.m.

RESOLUTION NO. 1983 - 329

A RESOLUTION CONFIRMING SPECIAL SIDEWALK ASSESSMENT ROLL 193, PAVING ASSESSMENT ROLLS 683, 682, AND 681

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 16th day of August, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution No.'s 1983-293, 1983-296, 1983-295, and 1983-194 adopted on the 19th day of July, 1983, which assessments appear on "The City of Raleigh Special Sidewalk AR-193 Paving AR-683, 682, and 681," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: August 16, 1983

ADJOURNMENT

There being no further business the Mayor ruled the meeting adjourned at 8:30 p.m.

Gail G. Smith
City Clerk and Treasurer

ae/Counc